

An investigation of policing policy in relation to
'domestic violence' in London in the 1980s

by

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This thesis is an examination of the social construction of the social response to a social problem. The social problem is referred to as 'domestic violence' and the social response refers to the police response.

The first chapter of the thesis constructs a theoretical approach grounded in the sociology of knowledge. Drawing on some of the classical sociological literature, the ideas of historians and philosophers of science, political philosophy and current social theory the concept of 'linguistic-authority-structure' is synthesized. Subsequent chapters apply the theoretical framework that this concept implies to illuminate the unfolding history of the issue of domestic violence. The versions of the social problem as they were articulated on different institutional sites (including the Women's Refuge Movement, social science, the law, the police and several others relevant) from the late-1960s to the mid-1980s are traced in the second third and fourth chapters.

The thesis documents the international trade in information about the issue. Of central importance is the importation of a deterrence paradigm emergent from an experimental project conducted by police researchers in Minneapolis, Minnesota. The importation of these ideas was partly instrumental in persuading police policy makers in Great Britain to announce policy changes regarding the policing of domestic violence.

This formation of a paradigmatic police response to domestic violence is located at a historically low ebb in the legitimacy of British Policing. The fifth chapter charts the history of post-war British Policing. Drawing on sociological accounts of operational policing, and the relevant criminological literature, this chapter illuminates the emergent political contestability of the police institution. The sixth chapter shows how, in this context, the policy regarding the policing of domestic violence was generated.

Two chapters, seven and eight, are concerned with the actual police response to calls for service regarding interpersonal violence and in particular violence between cohabiting partners. These chapters make use of semi-structured interviews with police officers and an analysis of police paperwork procedures to illuminate police practices with regard to these calls for service.

The two remaining chapters continue the historical analysis up to the end of the 1980s.

**For Bill and Roseanne Sheptycki
and Sarah Phillips
whose support made my work possible**

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Preface

I began research into the issue of violence against wives in 1986. My interest had been piqued by media coverage regarding the phenomenon which was quite prevalent at that time. I wanted to find out what was behind that media coverage and why the issue was framed in the way that it was. It must also be said that I was sympathetic to the feminist struggle against male violence. However, my intellectual background was in the philosophy of the social sciences, and so I could only think to frame my approach to the research problem in that way. My problem was to see how the issue of domestic violence was socially constructed. When I began the research I had no idea about the issue, I did not know its history or its development. Nor did I realize how complicated defining the problem could get.

In order to grasp how the issue of domestic violence was constructed I found that I had to embark on a very ambitious programme of reading. Initially I began by unraveling the social scientific debates on the nature of what was variously conceived of as 'wife battery', 'woman abuse', 'family violence', 'domestic violence' and a plethora of alternative terminology. In so doing, I found myself confronted with the politics of feminism, with which I had not engaged since my days as an undergraduate at the University of Saskatchewan in the late 1970s and early 1980s. Unravelling these debates was a very complicated task, but no more difficult than coming to grips with the history, politics and practice of post-war British policing. Broadly speaking, what had to be addressed were three separate bodies of literature: feminist work on violence against women, social scientific investigations of family violence and the sociology of the police. Each area of reading comprised several ways of 'knowing' and there were blind spots within each as well as confusing overlaps between them. All

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were central to the issue and I had to come to terms with each. At times I felt myself to be swimming in books.

At the same time, as a Canadian in Britain, I found myself deeply immersed in a culture which was not my own, which implies a considerable learning experience in and of itself. I had much to learn about recent British history which meant reading yet more books. As a foreigner in the U.K., I also wanted to gain access to a world usually hidden from the general public, something which takes great patience. It is difficult to remember the confusion of those early days now. At the beginning I made many mistakes and had many false starts. I wanted to tap into the interface between the social scientific enterprise and police policy formation. This entailed cultivating relationships with many people including refuge activists and women in the women's movement, social scientists and local government officers, police officers and many others. This was a very slow process, but necessary in order to gather the data that seemed necessary to write the thesis I had in mind.

As I have said, my intellectual background is located in the sociology of knowledge, and something should be said about how I chose to organize the data that was eventually amassed. Such a philosophical approach is a somewhat unusual one in criminology, although important contributions to the discipline have been made within the paradigms of symbolic interactionism and phenomenology and, of late, Foucault has become something of a minor hero in criminology's pantheon. However, the former approaches tend to focus attention on individual social actors and I wished to explore a broader historical movement. Accordingly, my theoretical approach needed to be aimed at a nebulous space *between* individual social actors and social structure. At the same time, many of the criminologists

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who invoke the name of Foucault tend to eschew the rigours of sociological field work and, as the ethnomethodologists would say, I wished to 'get my hands dirty'.

I had no readily available criminological tradition which fitted my exact needs, but my desire was to take a sociology of knowledge perspective and focus it on a concrete sociological problem. The theoretical approach elucidated in the first chapter is my answer to this need. The theory is developed through a discussion of some of the classical sociological thinkers as well as the work of some historians and philosophers of science, political scientists and social thinkers. I also illustrate the discussion with several practical examples in order to make it accessible to readers with no specific interest in theories of knowledge. The central category developed in this chapter is the notion of 'bounded discourses' or 'linguistic-authority-structures'. This approach could be called 'discourse analysis', but it owes as much to classical sociology and contemporary English speaking thinkers like Anthony Giddens and Thomas Kuhn, or even the émigré Ludwig Wittgenstein, as it does to Michel Foucault and his colleagues.

The chapters that follow are an application of this theoretical outlook to the concrete problem of what has been called wife battery. The terminology and ideas developed in the first chapter are woven through the data providing the subsequent chapters with a structure. However, rather than risking an over-emphasis on the theoretical analysis and a correspondingly repetitious analytical jargon, I decided to allow the unfolding history to take precedence over the philosophy. Some of the theory and analysis is thus left implicit. This is most evident in Chapter Five, where a chronology of post-war British policing is offered. For reasons explained in that chapter, it was not feasible to rigorously apply the theoretical framework to the

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question at hand. Instead, what is supplied is a less problematic chronology. A project which applies the sociology of knowledge approach developed in Chapter One to the general discourse of policing politics and practice remains to be done.

Chapters Two, Three and Four, as well as chapters Nine and Ten, delve into the articulations of the issue of domestic violence on a number of institutional sites including women's refuges, social science, the police institution, the media and several others that are relevant. They give a sense of the historical development of the issue as it went through various permutations, as it was articulated on different institutional sites and as the problem was continually defined and re-defined. The *contestability* of the definition of the nature of the problem and the *competition* to provide the authoritative vocabulary to explain it, together with prescriptions for practical intervention, is seen as providing the motor for this historical development. In Chapter Three, attention is paid to how the issue was articulated in the North American context as distinct from the developments in Britain. However, the separation cannot easily be maintained as the transatlantic trade in 'facts' about violence against wives is considerable. Much of the thesis concerns itself with tracing this trade.

Chapter Six shows, in detail, how the issue was constructed at a specific historical conjuncture in London during 1986. It is here that the developments of North American social science are crucial, particularly insofar as they involved the policing of the violence. This was a key moment in policy formation, when representatives from many institutions constructed a dominant paradigm for the social response to what was termed 'domestic violence', based around the concepts of 'criminalization' and 'deterrence'. The two chapters that follow assess the practical

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repercussions for ground level policing that came as a result of those policy decisions.

Chapters Seven and Eight, in which this assessment takes place, show the application of an analysis of discourse in a rather different mode. In those chapters what is discussed in the operations of ground level, or front line, police officers. The context is no longer a broad and unfolding history, rather the discourse under examination is confined within a bureaucratic-militaristic hierarchy. However, the vocabulary employed by individuals within a social structure remains the entry point for analysis and, as will be made evident in those chapters, the mutability of the categories of language is no less apparent.

Having examined police practice with relation to violence between intimates, the concluding two chapters pick up the threads of articulation about the issue from where they were left in 1987. In these chapters the continuing unfolding of the issue is shown and some indication of possible future developments is given. In conclusion, the impact of the issue on police policy and practice is assessed, but it is acknowledged that the history is on-going and makes definitive conclusions somewhat problematic.

I should mention something about the title pages for each chapter which may be seen as somewhat disconcerting. As I was sifting through the data that I had gathered, examining the different ways that wife battery was constructed, I became increasingly aware that I had ignored the discourse of the batterers themselves. This seemed to be a significant blind spot, particularly when representations of such violence are so prevalent. Consequently, I felt that in order to illuminate this facet of the problem, some space had to be given to this particular discourse and I hit upon the idea of culling songs about wife beating from my own record collection.

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The fact that I did not find it difficult to find ten songs on the subject is testimony to my taste in music. I grew up listening to Rock and Roll and returned to that music's roots in Blues, Country and Rhythm and Blues as a young man. Within those traditions of music there are many examples of misogyny, as I suspect there probably are in many other musical traditions. Writing down those lyrics made me confront my own version of what it is to be a man, it also made the *wife beater* a concrete person. For those reasons, if for no other, it seemed important to include them. The songs construct violence towards women within the context of a monogamous heterosexuality and from a male point of view. In them, the perplexity of men; their convictions, worries, justifications and fears about their violence towards 'their women' are evident. It is also evident that much violence is commonplace, petty and mean. Perhaps the best retort to these men is Janis Joplin's: "Each time I tell myself when I think I've had enough, I've got to stand up and show that a woman can be tough."

The ideas and help of many people went into this thesis for which I own a great debt. I am grateful to Rod Fotheringham who, in the difficult early days, offered me a role model and also encouraged me to apply abstract ideas to a concrete problem. It is doubtful that I would have had the courage to pursue that goal without his example. I must also thank Ben Bowling whose consistent good humour and willingness to listen provided a dependable sounding board that prevented me from getting out of tune. I could not have kept up the rhythm of work without his help. Paul Rock allowed me to forge my ideas against his formidable intellect and I thank him for his forbearance. Brian Maclean made a crucial intervention and John Lowman taught me much about the real world of criminology - both deserve recognition. I should also like to thank Robert Reiner, David

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*I'd rather see you dead little girl
than see you with another man
You better keep your head little girl
You won't know where I am
You know that I'm a wicked guy
I was born with a jealous mind
I can't spend my whole life
tryin' to make you tow the line
Let this be a sermon girl
I mean everything I said
You that I'm determined girl
and I'd rather see you dead
You better run for your life if you can little girl
Hide your head in the sand little girl
Catch you with another man that's the end
Little girl.*

John Lennon

Deconstructing Discourse Analysis

Introduction

The term 'discourse analysis' has become a somewhat fashionable term amongst academics over the past decade. It is important to clarify the use of such a term and unpack the theoretical and conceptual baggage that comes with it before commencing to employ it in sociological analysis. All the more so because of a seeming paradox that confronts anyone who would look upon the categories of language and make them problematic; that paradox being that in order to analyse the terms of discourse we must employ discursive tools. It is not self evident what is to be gained by tackling this apparent contradiction. In this chapter I will show how a critical approach to discourse offers sociology something more than the mere production of 'facts' and goes beyond wallowing in this paradox.

The obvious starting point would be to ask the question: how shall we conceive of 'discourse'? On this question the whole idea of discourse analysis depends, for if it is thought of in the way that it often is, that is as natural, neutral and immutable, then it is not immediately obvious that it makes sense to speak of an analysis of it at all. A useful analogy has been drawn by the linguist Paul Chilton which addresses this issue. He points out that it makes little sense to speak of criticizing rocks or trees - except, in so far as rocks or trees are being thought of in the context of some human agency. That is, it seems ridiculous to say that one is being critical of rocks, unless one conjures up a context in which rocks are a rockery, a barricade, a building or some such. A plausible context for criticism depends on the ascriptions of intention to a human agent. Rocks can be

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seen either as natural objects or they can be instruments of human action. To criticize rocks in the former sense does not mean anything, in the latter sense a critical analysis can be quite meaningful. Analogously, one can consider what it might mean to criticize discourse conceived as either a natural phenomenon or a form of human action. What would it mean to criticize discourse in the first sense - that is, as a natural phenomenon, a given and unchangeable characteristic of the human species? The answer, it would seem, is not a lot - no more than it does to criticize rocks in a similar way.¹

What would it mean on the other hand to criticize discourse as the instrument of human action? It seems clear that this would be tantamount to criticizing the action itself. To extend the analogy of the built environment further, a given 'language scheme' constitutes the house in which thought dwells. Like the buildings which we erect and in which we live, discursive structures shape our lives. Both structures are created by human agency, but long after the structures have been raised they go on to shape our lives in ways not foreseen. Seen this way, a critical approach to language amounts to an analysis of reified human activity. Discourse, seen as an analogue of crystalized social relations, weighs heavily on the course of human action and places limits on the possibilities of historical development.

To use the metaphor of a 'language structure' is to come dangerously close to the claim that language determines thought, a view known as the 'Whorfian hypothesis' (after the American linguist B.L. Whorf). This is a

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notoriously difficult claim, and before we proceed it would be useful to examine it in order to disengage the metaphor of a 'language structure' from this deterministic contention. By way of illustration I want to consider communication between persons who speak different languages. It seems obvious that if the terms of our discourse totally determined and delimited the thoughts we could think this would have specific implications for communication between people who are immersed in entirely different languages. For example, it has been said that there is no word for *deterrent* in the Russian language.² That is, the Russian language does not have a word simultaneously expressing meanings like 'inspiring fear' and 'holding back an aggressor'. This does not mean that Russians cannot paraphrase the notion quite adequately. But the Whorfian assumption can lead to some extremely unhelpful conclusions.³ In an illuminating article an American strategic analyst concluded: 'This failure to be able to express in Russian the essential notion of the concept 'to deter' has naturally been reflected in a similar failure to express correctly in Russian either 'deterrent' or 'deterrence'" other than by complicated and remarkably clumsy phrases. The tangled knots of verbiage have hindered "a proper understanding of the concept of deterrence" in Soviet strategic thinking.⁴ According to this argument the Russian mind cannot think deterrence properly because it cannot say deterrence properly.

It happens that this particular linguistic lesson was taught to the citizens of the United States by Ronald Reagan during his presidency. The implications of the lesson were that the people of the Soviet Union could

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not understand the position of the United States with respect to its nuclear *deterrent* and, by implication, have a far more aggressive attitude with regard to their own military capabilities. In line with Whorfian reasoning Soviet inability to understand American strategic thinking is a natural one because they do not possess the necessary linguistic categories to comprehend the subtle strategy of *deterrence*.

Clearly it is not impossible for people to think around the pre-coded concepts of their language. It is not impossible for them to resist the compulsive nature of individual analytical categories; neither does it seem that language structure is a total machine the parts of which describe the determination, influence or control of thought. It is possible, however, that some speakers, probably many speakers, will not think round the language they use in some contexts, and that they will not resist the demands of specific analytical categories. Instead of making absolute claims about the necessary determination of all thought by all aspects of language, it is more useful to ask which parts of language influence which speakers, in which contexts and to what degree.

In our example of deterrence it might be more fruitful to ask questions about the nature and context of the political rhetoric being used to justify the strategies of the major and minor players. Much of the difficulty raised by the Whorfian hypothesis can be cut through if, instead of focussing on the relation between discourse and thought, we focus on the relation between individuals and groups in communicative exchange. In order for such an approach to be sociologically grounded we must take

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cognizance of the institutional context, the systematized social relations, in which our language takes its shape. In the case of our example; consideration of the language of 'deterrence' would have to proceed from an understanding of the military-industrial institutions of both countries as well as the context of the world state-system as the basis of institutionalized communicative exchange. At this point I am getting far ahead of the discussion. The point I am trying to make is simply that an analysis of discourse which claims to be sociological does not start with abstract claims about the determining role of language in human thought. Having taken some steps to disassociate this discussion from considerations of linguistic determinism I would like to turn to some of the relevant classical sociological literature in order to further locate the discussion.

Conceptions of consciousness in Classical Sociology

Approaches to knowledge as based in institutionalized contexts and systematic social arrangements are not new in sociology. The idea that classifications, logical operations and guiding metaphors are given to the individual by society can be traced back to the founding fathers of the discipline and beyond. For example, in arguing for the social basis of 'knowledge', Durkheim says of the general analytical categories of 'time', 'space', and the like that:

They [the categories of time space and causality] represent the most general relations which exist between things;

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surpassing all our other ideas in extension, they dominate all the details of our intellectual life. If men do not agree upon these essential ideas at any moment, if they did not have the same conceptions of time, space, cause, number, etc. all contact between their minds would be impossible, and with that, all life together. Thus society could not abandon the categories to the free choice of the individual without abandoning itself...There is a minimum of logical conformity beyond which it [society] cannot go. For this reason, it uses all its authority upon its members to forestall such dissidences...The necessity with which the categories are imposed on us is not the effect of simple habits whose yoke we can easily throw off with a little effort; nor is it a physical or metaphysical necessity since categories change in different places and times; it is a special sort of moral necessity which to the intellectual life what moral obligation is to the will.⁵

Durkheim is concerned to tell us here that even the most abstract analytical categories could not function as they do if they were not based in a concrete social context. There are no words if there are not men and women to speak them. Further, the human species is a social species and this leads Durkheim to a decidedly materialist formulation of the relation between ideas and social structure. He argues that the individual, and with him (or her) their ideas are not an existential given but are, in fact, an historically emergent social creation:

We believe this is sufficient to answer those who think that they can prove that in social life everything is individual because society is made up only of individuals. Undoubtedly no other substratum exists. But because individuals form a society, new phenomena occur whose cause is association, and which reacting upon the consciousness of individuals for the most part shapes them. This is why, although society is nothing without individuals each one of them is more a product of society than he is the author.⁶

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The idea that 'new phenomena occur whose cause is association' may be somewhat misleading. I do not think that it was Durkheim's purpose to postulate a time when humans were not social and that they developed 'association' at some point in the development of the species. What he is interested to argue is that the causal arrow in the analysis of social phenomena should be drawn from productive relations and structural linkages between people to moral or legal systems of thought; that is 'consciousness'.

If this sounds like a particular Marxian formulation it must be said that on this point Durkheim and Marx were not so far apart. The metaphor I have in mind from Marx is that of the 'base-superstructure'. Of course, Marx's own explanation is more robust than such a simple notion could ever imply. For example in *The German Ideology* he states:

The production of ideas, of conceptions, of consciousness, is at first directly interwoven with material activity and the material intercourse of men, the language of real life. Conceiving, thinking, the mental intercourse of men, appear at this stage as the direct efflux of their material behaviour. The same applies to mental production as expressed in the language of politics, laws morality, religion, metaphysics, etc. of a people...consciousness can never be anything else than conscious existence, and the existence of men is their actual life process...men, developing their material intercourse alter, along with their actual world, also their thinking and the products of their thinking.⁷

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These are very abstract formulations and there is a need to draw out the nub of both Durkheim's and Marx's argument. I would like to do this by way of a brief historical illustration.

A brief historical example

In 1929 the the Infant Life (Preservation) Act was passed. The act made it an offence to act 'with intent to destroy life of a child considered capable of being born alive'. The only caveat to this was in cases where it was considered that the mother's life was at risk. The wording of the act went further to explain that 'evidence that a woman had at any material time been pregnant for a period of 28 weeks or more shall be prima facie proof that she was at that time pregnant of a child capable of being born alive.' In 1967 David Steel piloted the Abortion Act through parliament which gave women access to free legal abortions. The upper time limit set continued to be that provided by the legislation of 1929.

The passing of the 1967 Abortion Act set up the terms of debate between political lobbies for and against abortion. The anti-abortion lobby began its campaign in earnest in 1968, unveiling the now famous photo of an unborn child sucking its thumb. The fundamental tenet of the anti-abortion lobby was that life began at conception. In this respect the language employed by the lobby was not just 'anti-abortion' but 'pro-life'. This rhetoric was employed with concerted effort throughout the 1970s, but successive attempts to revise the bill failed.

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The antithesis of this position came to refer to itself as 'pro-choice' rather than 'pro-abortion' for obvious reasons. The rhetoric of this lobby centered on 'a woman's right to choose'. Rather than disputing when life begins, the language mustered focused on the right of women to control their bodies. The point was often prefaced by stating that 'nobody likes abortion but ...', followed by an assertion of women's individual rights to choose what happens to their bodies. The afterward was most often about a return to back-street abortions should the law be repealed. On occasion pro-choice lobbyists could be heard to argue that the right to choose extended passed the 28 week mark, although it is hard to find evidence of anyone arguing for abortion rights to be extended very far into the third trimester.

In 1979 when John Corrie attempted to introduce a Bill in parliament under a Tory government which had no predisposition to defend the 1967 Act the stage was set for a serious political confrontation. The pro-choice lobby was successful in mobilizing a great deal of support to maintain the existing legislation. The National Abortion Campaign, formed in 1975, was successful in cultivating influential allies including the TUC and the Labour Party. A public demonstration to which an estimated 80,000 people came was organized by the NAC with the TUC.⁸ Corrie's bill ran out of time in parliament; the government did not give it any more time and it fell. The demonstration and the fall of the bill confirmed that public consensus was in favour of a woman's right to choose, although at the same time there was also evidence that this consensus did not extend to 'the right to choose'

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beyond the 28 week mark. The notion of a 'late abortion' was fixed in public discourse and this seemed to ensure that, although the 'pro-life' lobby could never be vanquished altogether it could be held at bay. The moral debate seemed set to continue in perpetuity, politically maintaining the convention that abortion is legally available before 28 weeks gestation, but after that, with few provisos, it is against the law.

However, between 1979 and the end of the 1980s there were two important shifts in medical knowledge and technical ability. Medical technology developed to allow for the survival of premature babies born considerably earlier than 28 weeks. Parliament again debated the issue in 1988, after what became known as the 'Carlisle baby case'. It was claimed that in July of 1987 a baby of 21 weeks gestation was born alive and survived for three hours following an abortion at the City General Hospital in Carlisle. 'Pro-life' campaigners demanded that an inquest be held and that the doctors responsible for the abortion be prosecuted. The facts of the case remain the subject of much medical dispute, yet it is certain that a small percentage of extremely premature babies can now survive. The new barrier seems to be hovering around the twenty-fourth week prior to which the lungs of the fetus are too underdeveloped to breath, yet this too is uncertain. Currently, scientists are researching substances which can be used to coat the lungs and enable them to absorb more oxygen. The validity of the 28 week mark, established in 1929, is being eroded by improvements in the field of medicine which deals with premature births.

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While research and changes in medical practice have altered the viability of an under-developed fetus outside the womb, innovations in embryo research have also been affected the abortion debate. The Human Fertilization and Embryology Bill, which concerned Parliament some twenty three years after the Abortion Act was passed, put forth the claim that embryo research should cease after 14 days because this is the stage at which the 'primitive streak' develops. This is widely regarded as the beginning of the individual development of the embryo, since it is the latest stage at which mono-zygotic twins can develop. It is also the stage at which the nervous system begins to develop.

Together these innovations in medical practice and research have shifted the terrain of the debate decisively. The advocacy of a 'woman's right to choose' has become increasingly untenable in a society where medical research and practice seems to be on the threshold of being able to sustain life from conception. The viability of the fetus outside the womb, enshrined in law in 1929 at 28 weeks, has been superseded by medical science. The delicate balance of public consensus between the two 'pro' lobbies, a balance that maintained the 28 week distinction has begun to crumble. But it has not shifted due to a victory by one or the other position. The battle was not decided by the terms of the discourse; the pro-choice versus pro-life dialectic. Rather, changes in institutional practice of the medical profession have given rise to a new situation in which the terms of discourse of what is an essentially moral argument, dissolve.

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What this example is intended to show is that an analysis of analytical categories, in this instance the notion of 'late abortion', the '28 week mark' etc., can not take place without considering the institutional practices which concretely generate them. An adequate discourse analysis will encompass both the categories of human understanding and the practical engagement that gives rise to that understanding.

Back to the Classics

It seems to me that both Marx and Durkheim agree on an important point and this historical example bears this out. The point is that what they call variously consciousness, ideas, conceptions, and the like is, in some sense a reflection of social organization. This is, however, a somewhat one-sided view of their thoughts on the matter, particularly in the case of Marx. In his early writings, up to and including *The German Ideology*, Marx wanted to assert his conviction that consciousness is not independent of social and material conditions against idealist philosophy and, simultaneously, that consciousness is more than a passive reflection of reality against the mechanistic materialists of the eighteenth century.⁹ His materialist conception of history posits a dialectical relationship between consciousness and the social/material with the latter providing the motor for the dialectic in the first instance.¹⁰ Durkheim is also concerned to avoid the twin pitfalls of mechanical materialism and idealism. He takes pains to emphasize that his premise is one involving the dynamic interplay between the 'substratum' of society and 'collectively evolved ideas'. He

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states, using a characteristically biological analogy, that "the conscience collective is something other than a mere epiphenomenon of its morphological basis, just as individual consciousness is something other than a simple efflorescence of the nervous system."¹¹

Altogether, these are both subtle and compelling formulations particularly in the case of Marx who can be read as having a specific discourse theory. This is evident because, although Marx did not provide a comprehensive title to the seven notebooks that comprise *the Grundrisse*, in a letter to Lasalle dated 22 February, 1858 Marx indicated that he had a title in mind, namely, 'Critique of the Economic Categories'.¹² By economic categories, Marx meant the basic concepts employed in political economy. It would seem that the analysis of discursive categories is not that new. Marx's analysis of capital proceeds as an analysis of the concept of capital. He states that "the exact development of the concept of capital [is] necessary, since it [is] the fundamental concept of modern economics . . ."¹³

While Marx intended his major work to be a critique of certain concepts and what gives rise to them, this is not really the case with Durkheim. What is made problematic are what he sees as the underlying social institutions. He develops his own 'language scheme' for articulating his own preoccupations. This is not intended as a criticism. When Durkheim offers us notions like 'the division of labour', 'organic' and 'mechanical solidarity' or 'collective consciousness' he offers a pertinent and systematic view of the social order. However, Durkheim does not ask the question as to what gives rise to his own 'language scheme'. In the

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final analysis his assertions about the basic structure of society determining the structure of human thought were nothing more than the product of his own 'language scheme', a discourse which he evidently views as unproblematic. The important thing to note here is that this formulation assimilates knowledge and its categories into an underlying structure and tends to negate the active role of the ideas themselves and to diminish the practical involvement of human subjects in the formation of consciousness.

Be that as it may, Durkheim still reminds us of the necessity to ground our own thinking sociologically. Without so doing we run the risk of developing a view of language which sees words using people as weapons in the battle of discourses. E.H. Carr reminds us of the same point when he wrote that the perspectives of historians and social scientists are themselves "rooted in a social and historical background." Carr goes on to say that he ventures to believe:

that the historian who is most conscious of his own situation is also more capable of transcending it, and more capable of appreciating the essential nature of the differences between his own society and outlook and those of other periods and other countries than the historian who loudly protests that he is an individual and not a social phenomenon. Man's capacity to rise above his social and historical situation seems to be conditioned by the sensitivity with which he recognizes the extent of his involvement in it.¹⁴

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What both Durkheim and Marx agree on, at least, is that it is quite useless to consider the nature of consciousness or ideas outside their context in a form of social life. That form of life could be labeled a group, a community, an institution, a society, a culture or a nation. This is the basis from which to begin to make language problematic but no more. Of course, it can be said that since there is no way of conceiving of social life outside of language and since abstract notions such as 'institution' or 'society' are themselves linguistic categories, we are no closer to overcoming the paradox than when we began. This is a line of thought often pursued by thinkers who follow a radical discourse theory and it is something that I would like to address here.

Readers may recognize that 'form of life' is a notion contributed to this area of discussion by Wittgenstein. In truth a great deal of confusion has been generated by Wittgenstein's contribution, not least because of the abrupt turn-around that he executed in the middle of his academic career. In his earlier work, the *Tractatus Logico-Philosophicus* he began by assuming that all words have one purpose and that they all get their meaning in one way - a way that can be stated in terms of a logical calculus. In the *Tractatus* Wittgenstein contended that meaning arises when the logical 'simples' of language are combined so that they correspond to nonverbal facts. To understand a sentence is to understand its constituent parts.¹⁵ However, in his later philosophy Wittgenstein makes the observation that what appears to be the meaning of a word in one context does not necessarily carry over to its use in another. He

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abandons the idea that words can have precise meanings in an abstract sense, the meaning of a word becomes its use. "The sentence gets its significance from the system of signs, from the language to which it belongs."¹⁶ For Wittgenstein, at this point in his intellectual development, to understand a sentence was "to understand a language".¹⁷ He went on to say, at this point, that:

As a part of a system of language, one might say, the sentence has life. But one is tempted to imagine that which gives the sentence life is something in an occult sphere, accompanying the sentence. But whatever accompanied it would for us just be another sign.¹⁸

This is precisely the paradox that we must confront. Wittgenstein makes an attempt to grasp this nettle in developing his notion of 'language games'. The use he makes of this term indicates that language owes its form, at least primarily, to the use people make of it, that is to the way the words they use in social intercourse are connected with and facilitate specific actions and expectations. The rules immanent in a particular language game are the rules of a 'form of life', that is, of a socially induced and instituted form of behaviour.

For the later Wittgenstein to learn a language is to be able to participate in the 'form of life' the language depends on and is itself instrumental in specifying and perpetuating. His starting point remains language, but it is understood in the context of something else; a 'form of

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life'. However, many readings of this body of work fail to make this explicit, instead, analysis focuses on the language game. Rather than treating an analysis of discourse as intimately bound up with the embeddedness of language in a concrete form of life, that which gives rise to language really is assigned to an occult sphere. The result is that the categories of language are examined as reified objects in themselves. This is understandable because Wittgenstein himself seems to take language games as his point of departure.

The essence of the problem is to treat categories as grounded. Analysis inquires into the form of life which provides the context for a given set of analytical categories and, indeed, gives rise to them in the first place. Concepts can never really be known in terms of other concepts, to try and do this is to fail to recognize the contingency of meaning. Sociological analysis calls attention to the reflexivity of language; that concepts are only knowable in terms of a form of life and a form of life can only be expressed with concepts. Language is, itself, essentially incomplete since it always presupposes a form of life.¹⁹

On a practical level, it seems to me that the way to proceed is with the self-awareness that Carr recommends. To do this is to ground the analysis concretely. The problem is that such an analysis is not feasible using concept like form of life, which is too vague to get us very far. In order to address this limitation I would like to turn our attention to some thinkers in the philosophy of science because I believe that they provide the necessary specificity that is required.

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The Contribution of Philosophers and Historians of Science

Historians and philosophers of science have made significant inroads in the discussion of the relationship between language and social actors. Consider the point made by Ludwig Fleck earlier this century:

Cognition is the most socially-conditioned activity of man, and knowledge is the paramount social creation. The very structure of language presents a compelling philosophy characteristic of that community, and even a single word can represent a complex theory...every epistemological theory is trivial that does not take the sociological dependence of all cognition into account in a fundamental and detailed manner.²⁰

This is broadly in accord with the materialist sentiments of Durkheim and Marx. Fleck introduces several terms of his own for talking about the relationship between the social and the discursive. The most important of these are 'thought collective' and 'thought style'. For Fleck the 'thought style' sets the preconditions of any cognition and it determines what can be counted as a reasonable question and a true and false answer.²¹ It provides the context and sets the limits for any judgement about 'objective reality'. Much of what counts as history in the history of science has focused on the evolution of 'thought styles', that is; new modes of reasoning that have their own specific beginnings and trajectories. The merit of Fleck's approach is that it attempts to grasp this type of history in a sociologically grounded way. For Fleck, the history of science cannot be

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written without an understanding of the interconnectedness of the 'thought style' and the 'thought collective'.

Thomas Kuhn's notions of 'paradigm' and 'scientific community' are similar.²² A 'paradigm' provides not only the terms of reference on which to judge the appropriateness of answers to scientific questions but also the appropriateness of questions to be asked.²³ Similarly, the 'scientific community' is comprised of individuals who marshal themselves around the 'paradigm' and utilize its analytical categories to further their own projects.²⁴ He introduces the idea of periods of what he calls 'normal science' when a particular 'paradigm' dominates the thought of a particular 'scientific community'. "Normal science", Kuhn tells us, predicates itself "on the assumption that the scientific community knows what the world is like." He goes on to say that the success and survival of a specific paradigm "depends on that community's willingness to defend that assumption, sometimes at considerable cost."²⁵

Incontrovertible facts are not what compel the history of science along its course. Fleck showed that it took four centuries before scientific advances in other fields were important enough to establish a definitive distinction between different diseases originally clumped together as venereal. For him "such entrenchment of thought proves that it was not so-called empirical observation that led to the construction and fixation of the idea".²⁶

For historians and philosophers of science like Kuhn and Fleck what is needed is "a new vocabulary and concepts for analysing events like the

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discovery of oxygen."²⁷ That vocabulary, as Kuhn states in his 1969 postscript to the second edition of *The Structure of Scientific Revolutions*, is built around notions such as 'paradigm' and 'scientific community'. "A paradigm is what members of a scientific community share, *and*, conversely a scientific community consists of men who share a paradigm."²⁸ This apparently vicious circle is broken by Kuhn who states that:

Scientific communities can and should be isolated without prior recourse to paradigms; the latter can then be discovered by scrutinizing the behaviour of a given community's members. If this book were being rewritten, it would therefore open with a discussion of the community structure of science, a topic which has recently become a significant subject of sociological research and that historians of science are also beginning to take seriously.²⁹

A scientific community is not difficult to pin-point, Kuhn tells us, because the practitioners in a given community, to an extent "unparalleled in most other fields, have undergone similar educations and professional initiations" and in the process "have absorbed the same technical literature and drawn many of the same lessons from it." Only after making sense of the social network that comprises a given 'scientific community' is it logical to examine in detail the 'puzzle solving' that it is engaged in. In this way 'pre' and 'post-paradigm' periods can be identified, as well as 'normal science' and 'scientific revolutions'.³⁰

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Both Kuhn and Fleck attempt to make language problematic within specific institutional contexts, that is, the context of the scientific community in which specified discursive practices arise. This is both the strength and the weakness of their approach. It is a strength because rather than mounting their own projects within science using the terms of that science, or using categories standing in opposition to those terms, they abstract themselves from the whole process. In so doing they develop intellectual tools for understanding the relation between the terms of discourse employed and the specific scientific communities which evoke them. By illuminating the dynamics of that relation they uncover the history of the science under study.

This is also their weakness because their projects are bounded by, what is for them, the unproblematic nature of these 'communities' or 'collectives'. In the context of their respective projects the notions of 'scientific community' or 'thought collective' remain simply given. This makes some sense within the context of their own work and, although Kuhn acknowledges that the fringes of a given 'scientific community' are difficult to pin down, they can proceed quite adequately with what, for them, is an "intuitive understanding" of their respective terms. However, if we wish to apply similar notions to a more diffuse social phenomenon, ones which cannot easily be seen as the exclusive realm of certified experts, a notion like 'thought collective' or 'scientific community' becomes less easily manageable.³¹

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Still, this discussion of the philosophy of the history of science has given us some analytical categories of our own for conceptualizing discourse. The perspective offered by Kuhn and Fleck is a theory of discourse which makes real active human beings the vantage point from which to view their discursive practices and hence the historical process. In this sense, what might be called discursive conditions, become an extension of who people are and what they do, rather than the reverse. By viewing language in this way we can understand discourse as an historically emergent social creation with historical implications of its own.

Viewed in this way language becomes much less than radical discourse theorists would have. Abstract analytical categories are not the universe of all that is knowable and, in analysing the terms of discourse we are not confined to an analysis of words. These philosophers of science have shown us that discourse is intimately bound up with the practical day to day activity of human beings, activity which is social. Their analysis focuses attention on individuals and groups in communicative exchange. At this point I would like to take this understanding away from its limited focus on groups of easily identifiable experts and broaden the analysis to include the larger social formation. In doing so I think the dialectic between discourse and practice, between language schemes and institutionalized social relations, will remain a focus of concern. In order to broaden the canvas I will press into service the ideas of some political and social philosophers.

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Deconstruction and the politics of language

Several attempts to examine discourse in its socio-political context and within the realm of diffuse historical changes have been made. Perhaps the most sophisticated and influential of these attempts was made by Michel Foucault. Foucault first outlined his theoretical approach to these problems in detail in *The Archaeology of Knowledge*, a notoriously difficult text. In it he is concerned with the ways in which discourse shapes our apprehension of the social world. An illustration of both his writing style and his reasoning can be found in the following passage in which he concerns himself with the formal divisions of the Academy:

We must question those divisions or groupings with which we have become so familiar. Can one accept, as such, the distinction between the major types of discourse, or that between such forms or genres as science, literature, philosophy, religion, history, fiction, etc., and which tend to create certain great historical individualities. We are not even sure of ourselves when we use these distinctions in our own world or discourse let alone when we are analysing groups of statements which, when first formulated, were distributed, divided, and characterized in a quite different way: after all 'literature' and 'politics' are quite recent categories which can be applied to medieval culture or even classical culture, only by retrospective hypothesis, and by the interplay of formal analogies or semantic resemblances; but neither literature, not politics, nor philosophy and sciences articulated the field of discourse, in the seventeenth or eighteenth century, as they did in the nineteenth century. In any case, these divisions - whether our own, or those contemporary with the discourse under examination - are always themselves reflexive categories, principles of classification, normative rules,

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institutionalized types: they in turn are facts of discourse that deserve to be analysed beside others; of course, they also have complex relations with each other, but they are not intrinsic, autochthonous and universally recognizable characteristics.³²

"Discourse", Foucault informs us somewhat cryptically, "must not be referred to in the distant presence of the origin, but treated as and when it occurs." That treatment should take account of the rules of classification that are being employed when a given analytical category is evoked.

So, where is the possibility of conceiving of a critical approach to discourse? Foucault's answer is demonstrated in his account of the advent of modern medicinal science around the end of the eighteenth century. According to him the old 'superstitious' medicine made perfectly good sense of disease in terms of a discourse which has been banished and long forgotten. Its banishment has made it easy for us to imagine this medical 'revolution' as a triumphant breakthrough, but in doing so we would be mistaken. Foucault explains that the old discourse framed disease against a dominant assumption of life and against such, disease shows up as a counter-life, an evil, a negative force. In the eighteenth century a discourse of disease seen as the invisible 'other' of the visible human body was replaced by a positive conception, as a positive object for a positive science to study. It is no coincidence that the end of the eighteenth century also sees the emergence of pathological anatomy, the practice of opening up bodies in order to inspect the organs. This practice can, of course, only be carried out on dead bodies. In this respect the 'new'

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discourse frames disease against the dominant assumption of death. As Foucault puts it: "Disease breaks away from the metaphysic of evil, to which it had been related for centuries; and it finds in the visibility of death the full form in which its content appears in positive terms.³³ For Foucault the revolution is not the advent of clear-sightedness:

It is as if for the first time for thousands of years, doctors, free at last of theories and chimeras, agreed to approach the object of their experience with the purity of an unprejudiced gaze. But the analysis must be turned around: it is the forms of visibility that have changed; the new medical spirit...is nothing more than a syntactical reorganization of disease in which the limits of the visible and invisible follow a new pattern.³⁴

In this view the object that modern medical science studies no longer appears as something natural and obvious; on the contrary it literally has to be carved out of the body. Nor can we say that this object was always there waiting to be discovered, rather, it had to be created by a certain practice - the practice of pathological anatomy- and a certain way of speaking - in terms of separate and static internal organs.

This is a practical example of Foucault's analytical approach and it seems quite clear that for him discourse is not simply to be considered what is spoken or written. Discourse is not mere words, free floating analytical categories, rather, it is the complex inter-relation, a dialectic, between language and practice. In his more theoretical writings Foucault employs very abstract metaphors. I think that in his more concrete investigations it can be shown that the ideas he is playing with are not

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antagonistic to those of Kuhn or Fleck, indeed, I believe he was asking fundamentally similar questions.

The obscurantist style adopted by Foucault in the *Archeology of Knowledge* and elsewhere, which both attracts and repels English speaking readers, is used for two reasons. The first is that Foucault perceived the need to avoid being labeled a 'Structuralist'; a categorization which he evidently rejected, not least because he wished to "disturb the tranquillity" with which such analytical categories are employed. The second reason is less deliberate. Foucault is concerned with much broader historical themes than either Kuhn or Fleck. The history of 'sexuality', or 'the clinic', or 'discipline' is a much broader project than a history of the discovery of oxygen; requiring a broader conceptual framework. Foucault rejected 'totalizing history', explicitly stating he is not interested in "the categories of cultural totalities (whether world views, ideal types, the particular spirit of an age in order to impose on history the spirit of an [this] age."³⁵ In trying to develop a theoretical approach which can avoid the consequence of being easily labeled and, at the same time, provide a theoretical basis for writing what he termed 'general history', infuriatingly imprecise metaphors such as 'underlying unities' or, more vague still, 'surfaces of emergence' are employed. We are told in the *Archeology of Knowledge*, that the task of the thinker who is concerned with the nature of discourse is to show that abstract analytical categories "do not come about themselves, but are always the result of a construction the rules of which must be known and the justification of which must be scrutinized." As

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such "we must define in what conditions and in view of which analyses certain of them are legitimate; and we must indicate which of them can never be accepted in any circumstances."³⁶

I believe that Foucault has a similar problem with the terms of discourse reified by institutional affiliation that Fleck and Kuhn have. He states that :

the question posed by language analysis of some discursive fact or other is always: according to what rules has a particular statement been made, and consequently according to what rules could other similar statements be made? The description of the events of discourse poses quite a different question: how is it that one particular statement appeared rather than another?³⁷

Here he is distinguishing his own approach to discourse as against mere 'language analysis'. What he is groping towards is not merely some kind of over-blown literary criticism, but an analysis of power.

By way of illustration we can look at how Foucault considers the sexuality of the child as revealed by Freudian psychoanalysis. This sexuality, he argues, is there to be revealed only because it was first put there, by a social process, during the eighteenth century. It was during this period that great efforts were being put into the supposed eradication of masturbation amongst schoolboys. A whole new literature on the topic of child sexuality emerged with precepts, observations, medical advice, clinical cases, outlines for reform and plans for ideal institutions. The end result of all this effort was, of course, not the eradication of its object,

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rather an intensification. In Foucault's words: "sexuality through thus becoming an object of analysis and concern, surveillance and control, engendered at the same time an intensification of each individual's desire for, in, and over his body."³⁸ In effect, the sexuality of the child was created by an eighteenth century discourse.

The important thing to note here is that Foucault's analysis goes beyond an examination of linguistic facts. The 'knowledge' of child sexuality is not looked at in a vacuum. Under Foucault's analysis mechanisms of power are illuminated, mechanisms of which 'knowledge' is not a mere epiphenomenon but constitutive of that power. In this respect he is able to show that:

The child's 'vice' was not so much an enemy as a support; it may have been designated as the evil to be eliminated, but the extraordinary effort that went into the task that was bound to fail leads one to suspect that what was demanded of it was to persevere...rather than to disappear for good. Always relying on this support, power advanced, multiplied its relays and its effects... In appearance, we are dealing with a barrier system; but in fact, all around the child, indefinite *lines of penetration* were disposed.³⁹

If Foucault's analysis were to confine itself to the facts of language it would appear that during this period the eradication of masturbation was the goal and the knowledge and surveillance merely the means to that end. In fact he goes beyond an examination of mere words to look at the social process of which the words are a part. In doing so he concludes that knowledge and surveillance were themselves the goal and that it was by

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this means that school boys were incorporated into a complex network of power.

The analysis of discourse does not separate out the effects that the sociological basis has on the primacy of this or that metaphor. Foucault's approach is to document how institutions harness informational processes to the task of establishing themselves. At first reading this would seem to deny that individuals are capable of thinking around the pre-coded categories imposed upon them by a particular network of social power. This is to overstate the argument. What is shown in Foucault's historical work is that in marking its own boundaries the instituted community affects all lower level thinking (that is, thinking by individuals) so that persons realize their own identities and classify each other according to the logic of institutional affiliation. Foucault's analysis focuses on individuals and groups in communicative exchange and disregards spurious questions about the relation between thought, abstractly considered, by language. His analysis of discourse is intimately bound up with an analysis of practice, indeed at times it seems that for him they are the same thing.

Towards a sociological approach to discourse

Foucault leaves us with a particular problem, however and that has to do with the nature of the history that he is writing. The problem is that he paints on a very broad historical canvas. The transformations, dislocations, and discontinuities he identifies are, to an extent, made evident by an

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economy of scale. What would be the effect of turning this type of analysis, an analysis which has been focused on historical dislocation, to history *as we live it*? The possibility of seizing a specific historical conjuncture, especially one of sociological minutiae as it is in the making, runs two great risks. The first is a tendency to focus discussion on structural tension or institutional fracture in order to provide an historical vista. The second tendency is to focus on phenomenological detail in order to provide an account of history which creates the space for conscious human subjects.⁴⁰ In the absence of easily visible historical fractures it is all the more difficult to seize what Giddens calls 'the double hermeneutic'; that is the reciprocal relation between these two reductions (structure and agency), because we cannot be sure when a dislocation has occurred and hence cannot be sure of our own perspective. The point of revelation, that point at which the spurious sovereignty of a past thought style is revealed, provides Foucault with a hook on which to hang the 'double hermeneutic'. There is no such hook when we try and comprehend history in the making.

This is a theoretical problem as well as a methodological one. If the project of discourse theory conceives of language in relation to the form of life (scientific community, thought collective, network of social power) which it both reflects and constitutes, it is very important to create the conceptual space for individuals to use this language creatively. Foucault argues that the subject is constituted in discourse, but in order to have a theory which can account for historical change our conception of discourse must also allow for subjects so constituted to then use the terms of

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discourse to achieve desired and specified ends. This particular point has been made by Anthony Giddens. He introduces us to the notion of the 'duality of structure', by which he means that "social structures are both constituted by human agency, and yet at the same time are the very medium of this constitution."⁴¹ According to Giddens, language, at both the syntactical and semantic level, might be considered as an example of structure.

The point has often been made that specific analytical categories have no fixed meaning and, hence, are subject to manipulation by social actors. It has been best made made by political philosophers, perhaps because it is so easy to see the rhetorical nature of purely 'political' language. It is certainly not contentious to point out the manipulation of the linguistic categories employed in the political rhetoric of elected officials. The political scientist William Connolly tells us that "to examine and accept, or to examine and revise, the prevailing terms of political discourse is not a prelude to politics but a dimension of politics itself."⁴² He goes on to say that it is political because of "the ways in which the meanings conventionally embodied in that vocabulary [the vocabulary of politics] set the frame for political reflection by establishing criteria to be met before an event or act can be said to fall within the ambit of a given concept."⁴³ The central notion he employs is that of 'essentially contested concepts' a concept he borrowed from W. B. Gallie. The idea of an 'essentially contested concept' is that analytical categories make many kinds of statements simultaneously and do so by formulations which often convey

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several kinds of meaning or images at once. Thus, for example the political categories 'conservative', 'radical' and 'liberal' are essentially contested concepts open to differing interpretations and fought for by competing interests.

The second thrust of Connolly's argument is that:

the language of politics is not a neutral medium that conveys ideas independently formed; it is an institutionalized structure of meanings that channels political thought and action in certain directions. Those who simply use established concepts to get to the facts of political life, those who act unreflectively within the confines of established concepts, actually have the perceptions and modes of conduct available to them limited in subtle and undetected ways. Such conceptual blinders impede the work of any student of politics, but they are particularly corrosive of efforts to explore radical perspectives on politics. For to adopt without revision the concepts prevailing in a polity is to accept terms of discourse loaded in favour of established practices.⁴⁴

Connolly, in a way similar to that of Foucault, points to the structured nature of political discourse. Indeed, he even borrows a metaphor from the French structuralist Saussure to this end when he asserts that "the concepts of politics are part of the political process itself; they give coherence and structure to political activities in something like the way the rules of chess provide the context that makes 'moving the bishop' and 'checkmating' possible as acts in a game of chess."⁴⁵ However, Connolly stops short of 'deconstruction' which might be wise, since the observer, including the sociological one, cannot make social life available as an object for investigation independently of his or her own knowledge of it, which is

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often the pretence of 'deconstruction'. By investigating, the social observer constitutes the object or 'phenomenon' as a topic for investigation and, inevitably, must engage in political battles over definition. Hence, to assert the contestability of meaning is not an assertion of the arbitrariness of meaning. The contingency of meaning is not a terminus, beyond which rational debate ceases, but a starting point, a challenge to articulate and defend a particular definition, and with it a particular practice. That is politics and that is history.

What Connolly's conception of political language does is insist that individual actors manipulate the terms of discourse to achieve desired and specified ends, that is, they play politics. By acknowledging the essentially contestable nature of most analytical categories (and here I wish to include the analytical categories of administrative rationality, as well as more overtly political concepts; something which Connolly is loath to do) he opens up the space in which historical change can manifest itself. Without this, discourse can only be seen as structurally determining and social actors merely the pawns of their analytical categories. By widening our understanding of 'discourse' to include the operation of the 'essential contestability' of abstract analytical categories and elevating the discussion beyond the terms of politics to include the *linguistic ensembles* of more mundane social practices we begin to have a sociologically grounded discourse analysis.

By including in our understanding of the structured nature of discourse the notion of the contestability of concepts we can see the

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possibility of grasping history in the making in the absence of an easily discerned historical dislocation and without recourse to phenomenological reductionism. This is where the merit of a sociologically grounded discourse analysis shows itself. As the classical sociological thinkers have pointed out consciousness is a product of socially organized activity and it is at the same time an instrument of human action. By conceiving the discourse problematic in this dual sense we can grasp the double hermeneutic in the absence of an easily discernible historical disjuncture. If we make the analytical categories marshaled in the process of moving history forward problematic and show how some definitions achieve common currency and others are submerged we can show how issues are historically transformed by conscious human actors within the confines of institutionally bound *linguistic ensembles*.

In the articulation of history, in the production and reproduction of specific thought collectives, we can trace the dialectical development of what have been termed formalized languages, paradigms and the like. In any such bounded discourse the most important words are those which establish analytical categories. The decision to employ this or that analytical category (patriarchy or bureaucracy, for example), is the decision to entertain specific possibilities and alternatives. At the same time any closed definition involves, albeit unconsciously, the obviation of other possibilities. Thus, any set of abstract analytical categories that may be identified can be said to constitute a 'linguistic-authority-structure'. This concept is, more or less, synonymous with other concepts I have

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introduced intended to denote 'formalized languages'. The concept of a 'linguistic-authority-structure' attempts to take cognizance not only of the definitions of each element within the *linguistic ensemble* and their various interconnections and determinations but also the images, meanings and perspectives which are *excluded* by that discursive formation. Power is understood, in this sense, as the authority to define. The point is that, when particular definitions rise to prominence they illuminate certain possibilities and obviate others.⁴⁶

It must also be remembered that, because abstract analytical categories are contestable, each element as a constituent in a specific linguistic-authority-structure will make many kinds of statements simultaneously and do so by formulations which often convey several kinds of meaning at once. This gives specific discursive practices a fluidity which often belies their structured nature. Yet any such bounded discourse remains structured because it is intimately and dialectically bound up with social practice, that is: structured social relations.

What I have characterized variously as 'scientific community', 'thought collective', 'institutional site' 'network of social power' or, more broadly still, 'form of life' are structured social relations which both produce and are the product of their own linguistic-authority-structure.⁴⁷ By defining a particular problematic in a particular way, by authorizing legitimate questions and their answers as well as submerging those deemed illegitimate, a given network of power not only constitutes the problematic as an object, it also constitutes itself. These *linguistic ensembles* can,

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therefore, be considered the material expression of the historical process brought about by human agents competing over the meanings of terms within and between linguistic-authority-structures. An analysis of discourse predicated on these assumptions means there is no need to unwind Giddens' double hermeneutic and assign one the role of determination since both strands are observed simultaneously and history can be seen in its complex determination.

The Problem Ahead

The phenomenon I wish to address in my thesis is both specific and diffuse. It comprises patterns of social decisions that can be precisely identified and delimited, which arise within and between concrete and specifiable institutional contexts. My analysis is similarly specific and diffuse: the problem of 'domestic violence' will be examined through an investigation of the decision-making processes that concretely generate it.

Conceptually and methodologically, this investigation draws upon a broad tradition in sociology, what could be called a sociology of knowledge problematic. It is an investigation of language structures, what I call linguistic-authority-structures, at a number of specific locations: the so-called battered women's movement, the social scientific community, the police institution, the social work institution, the legal profession and others all play host to competing definitions of the issue. In referring to these *linguistic ensembles* I am acknowledging the centrality of language

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in the social processes that organize the phenomenon of wife battery, but I am also asserting that there is more at stake in this field than 'mere words'. The language that police officers, or social scientists, or refuge activists use are much more than collections of documents or disembodied exchanges of legal, scientific or political 'talk'. They are structures of knowledge through which members of these groups understand and decide things. They are structures of social relationship which establish different obligations and authorities for different categories of person (in the context of policing such categories as victim, offender, police officer and judge spring to mind). They are impersonal forms, existing independently of any of these persons 'as individuals'. They are historical and political frameworks of social organization, that make some social actions possible whilst precluding others. If this seems like unnecessarily complicated verbiage a straightforward example may cut through to the main point: when police officers told me "It's the system" they said so from 'inside' a 'linguistic-authority-structure'.

In trying to speak of these language structures and still take into account the essential contestability of abstract analytical categories I am trying to build a sociological version of the history of the social response to spousal violence. The recordable, analysible and competing definitions produced within the many interested organizations give concrete access to this, and the documents and pronouncements produced by them therefore provide the substantive material of my study. In the course of the thesis I will assemble various bodies of sociological studies, media accounts, legal

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statutes, police reports and statistics, and so on, some of which I will cut up and examine in quite minute and surgical detail. But this 'analysis of discourse' is not intended as simply 'literary criticism'. It is an analysis that belongs to the concrete world of serious everyday decisions. It is an attempt to make sense of how patterns of decisions can arise; to identify the constraints that preclude other (perhaps better) decisions from being made and to question what would have to be changed before this 'system' could operate differently.

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- 1 Chilton, P. Orwellian Language and the Media © 1988 published by Pluto Press London pg. 17
 - 2 Vigor, P.H. 'The semantics of deterrence and defense' in Soviet Naval Policy: Objectives and Constraints M. MacGwire, K. Booth and J. McDonnell eds. Praeger © 1975 pgs. 471-76
 - 3 cf. Chilton, Orwellian Language pg.46-47
 - 4 Vigor, P.H. op. cit. pgs. 471-76
 - 5 Durkheim E. The Elementary Forms of the Religious Life Allen and Unwin, London 1976 pg. 22-23
 - 6 Durkheim E. The Division of Labour in Society Macmillan Education 1984 pg. 288
 - 7 Marx K. and Engels F. The German Ideology students edition ed. C.J. Arthur. Lawrence and Wishart, London © 1970 pg. 47
 - 8 Coote, A. and Campbell B. Sweet Freedom The Struggle for Women's Liberation 2nd edition. Basil Blackwell Oxford © 1987 pg. 157
 - 9 See C.J. Arthur's comments in his Introduction to The German Ideology 1970
 - 10 This is a contentious way of expressing the relation, see: J. Mepham 'The Theory of Ideology in Capital' in Issues in Marxist Philosophy vol. III *Epistemology, Science, Ideology* ed. J. Mepham and David-Hillel Ruben; The Harvester Press, Great Britain 1979; Jorge Larrain, Marxism and Ideology, The Macmillian Press Ltd. ©1983; Jorge Larrain The Concept of Ideology, Hutchinson and Co. Ltd. © 1979; and J. McCarney The Real World of Ideology, Harvester Press, Sussex © 1980
 - 11 A. Giddens Capitalism and Modern Social Theory © Cambridge University Press 1971 pgs. 65-81
 - 12 Karl Marx Grundrisse Foundations of the Critique of Political Economy (Rough Draft) translated by M. Nicolaus. Penguin Books © 1973
 - 13 *ibid.* pg. 331
 - 14 E.H. Carr What is History? Penguin Books © 1961 pg. 44
 - 15 L. Wittgenstein, Tractatus Logico-Philosophicus, translation Pears and McGuinness. London: Routledge and Kegan Paul, 1961, 4.024.
 - 16 L. Wittgenstein The Blue and Brown Books - Preliminary Studies for the 'Philosophical Investigations Second Edition © 1969 Basil Blackwell pg. 5
 - 17 *ibid.* pg. 5

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- 18 *ibid.* pg. 5
- 19 Such a form of analysis has been called 'dialectical phenomenology'. This term has been used with respect to Marx's method by Roslyn Wallach Bologh. She uses Marx to 'stand Wittgenstein on his head'. Her formulation of the problematic is as decidedly materialist, as is Marx's, in that the 'form of life' is taken as the starting point of investigation rather than an analysis of knowledge and language, although, and this is essential, the whole approach remains dialectical. See R. W Bologh Dialectical Phenomenology: Marx's Method © 1979 Routledge and Kegan Paul, Boston. In particular Chapter Three.
- 20 L. Fleck The Genesis and Development of a Scientific Fact translation 1979 University of Chicago Press pg. 42
- 21 *ibid.*
- 22 T. S. Kuhn The Structure of Scientific Revolutions, 2nd edition, University of Chicago Press © 1960 and 1970
- 23 Both notions, that of 'paradigm' and Fleck's concept 'thought style', are what I refer to, more generally, as examples of 'bounded discourses'. A 'bounded discourse' is a set of abstract analytical categories which circumscribe events, action or social relations. The 'bounded' nature of these discourses is important, because the decision to employ a specific analytical category in a particular context is the decision to entertain specific possibilities and alternatives, and at the same time, although perhaps not consciously, it negates other possibilities.
- 24 Kuhn's notion of 'scientific community' and Flecks notion of 'thought collective' are examples of what I refer to more generally as 'networks of social power'. That is social networks or groups of organized people who are bound by common practice and who share the same terms of discourse. A network of social power may be very informal, for example a friendship network or it may be more formalized, for example a religious community. Such networks are most easily identified and most coherent when they exhibit highly structured formal relations as in a bureaucracy.
- 25 *ibid.* pg. 5
- 26 Fleck, 1979
- 27 Khun 1970 pg. 55
- 28 *ibid.* pg. 176
- 29 *ibid.* pg. 176
- 30 *ibid.*
- 31 It seems to me that C. Wright Mills provides us with a practical illustration of how to tackle this problem in The Power Elite Oxford University Press © 1956. In it he sought to "discern the shape of the power elite of our time, and thus to give a responsible meaning to the anonymous 'They', which the underlying population opposes to the anonymous 'We'...". He went on to outline what, for him, constitute the institutional sites from which the powerful of American society operate. What ever we might think of his choice of particular 'communities' or their relative ranking in terms of social power wielded it makes little sense to challenge Mills on the basis that what he identifies are not, in fact, 'collectivities'. He shows, in minute detail, how various communities, for example the Metropolitan 400 or Chief Executive Officers, constitute themselves. He identifies boundary maintenance exercises carried out by members, he shows how new members are selected for entrance to the community, in short he shows how these communities reproduce themselves.

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- 32 Foucault M. The Archeology of Knowledge translated by A.M.Sheridan Smith ©1972 Tavistock Publications Ltd. pg. 22
- 33 Foucault M. The Birth of the Clinic: An Archeology of Medical Perception translated by A.M. Sheridan Smith © 1973 Tavistock Publications Ltd. pg. 195
- 34 *ibid.* pg. 195
- 35 Foucault, The Archeology of Knowledge pg. 8-9
- 36 *ibid.* pgs. 25-26
- 37 *ibid.* pg. 27
- 38 Foucault, M. Power/Knowledge. Colin Gordon ed. Harvester Press, Brighton © 1980 pgs. 56-57
- 39 Foucault M. The History of Sexuality, Vol 1: An Introduction translated by Robert Hurley Vintage Books New York © 1980 pg. 4-5
- 40 There is a third alternative which I do not consider and that is a 'social policy based research'. This type of research seeks not to explain in the sense of the classical sociological tradition. Rather, its intent is to make specific phenomena amenable to social administration. As such this can be considered an object of sociological study but is not, itself, a sociological approach.
- 41 Giddens A. New Rules of Sociological Method, Hutchinson & Co., London © 1976 pg. 121
- 42 Connolly W. E. The Terms of Political Discourse 2nd edition © 1974 and 1983 published by Martin Robertson and Co, Ltd. pg. 3
- 43 *ibid.* pg. 2
- 44 *ibid.* pg. 2
- 45 *ibid.* pg. 36
- 46 Pocock J.G.A. Politics Language and Time Atheneum, New York © 1973
- 47 I will use the terms 'institutional site', 'intellectual community', 'network of social power', 'bounded discourse', 'paradigm', 'linguistic ensemble', and 'linguistic-authority-structure' throughout this text. This is partly to avoid annoying repetitiveness since these categories provide various ways of denoting two central notions which are, in Wittgensteinian terms, a 'form of life' and a 'language game'. Although the various terms denote much the same thing there is also a level of connotative meaning which I wish to take advantage of. For example, the concept of paradigm is very often, although not always, associated with science, thus, when talking about bounded discourses in the context of social science, I tend to use the Kuhnian notion. Similarly, the notion of a 'network of social power' more easily fits a fluid organization like the 'battered women's movement' than does the notion of 'institutional site' whereas in considering the Metropolitan Police the opposite holds true. I do not ascribe to hard and fast rules in the application of this terminology, however, and regularly bow to the need to avoid tediousness.

*I got you baby
like a fish out on a line
I can reel you in darlin'
'most any time
I got my brand on you
I got my brand on you
There ain't nothin' you can do
I got my brand on you*

McKinley Morganfield

The Forging of an Issue

Introduction

In this chapter I want to begin charting the historical threads which merged to produce the present interest in the policing of domestic violence. Many historical treatments of the subject of domestic violence begin with a brief consideration of the ancient world. These accounts point out that such violence is not a recent phenomenon and that it has not always been considered a social problem. The most frequent example from ancient history seen in the literature is that of Roman society in which husbands had the authority to chastise, divorce or kill their wives for engaging in behaviour that they themselves engaged in daily.¹ It has been pointed out that the word 'family' is derived from the Roman 'familia', which signified the totality of slaves belonging to an individual male.² The wife was considered part of this totality and the husband was expected to ensure that she conformed to the parameters of that role, apparently violence was an accepted means to that end.

Such accounts usually go on to describe the 'ideology of male dominance' making unsystematic use of documentation available from a variety of historical epoches including the prehistoric, ancient and medieval. The conclusion arrived at is that the history of wife abuse is long and dishonourable. The effect is to create the impression that wife battery is a trans-historical phenomenon and that Patriarchy, reinforced by coercion, is an overarching social form. Much of this literature does not discuss what evidence there is of women's resistance to male domination. Such evidence is thin on the ground and is easy for all but the most specialized of scholars to miss. The result of allowing the history of resistance to be submerged in this manner is to produce a one-sided view

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of Patriarchal domination. Having said that, I do not intend to provide the reader with an account of this submerged history. The inclusion of the 'facts' of ancient history does little to improve our understanding of recent developments in the social response to violence against wives and it is with these that we are concerned with here.

What we are interested in here is the near past, but leaving out several thousand years of history does not make choosing a starting point a simple decision. For example, there are legitimate reasons for beginning the discussion in the nineteenth century; the suffragette movement at the turn of the century certainly warrants attention. However, I wish to leave this out of the discussion as well, even though the period is well documented and the social historian need not produce a one-sided history. It seems to me that two intervening world wars, together with the myriad changes that accompanied them, make for a considerable break in continuity and that this is a good reason to begin the account in the post-war era.

Within that time frame the issue of violence against wives has been conditioned primarily by what has been termed the 'Refuge Movement', the 'Battered Wife Movement' or the 'Battered Women's Movement'.³ It was the foundation of Refuges, the first in this country being Chiswick Women's Aid, which made violence against wives an issue for public discussion in the post-war period. The invention the Women's Refuge was, of course, intimately bound up with the progress of the 'women's liberation movement'. It has been said that the publication of *The Feminine Mystique* in 1963 signaled the birth of that movement.⁴ In it the author launched a polemic against "the problem without a name":

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It was a strange stirring, a sense of dissatisfaction, a yearning that women suffered in the middle of the twentieth century in the United States. Each suburban wife struggled with it alone. As she made the beds, shopped for groceries, matched slip cover material, ate peanut butter sandwiches, chauffeured Cub Scouts and Brownies, lay beside her husband at night she was afraid to ask even of herself the silent question: 'is this all?'⁵

However, it was not the malaise experienced by middle class housewives which, alone, led to the birth of that movement. The crucible of the Civil Rights Movement and the anti-Vietnam War protests in the United States helped shape the women's movement there. In Britain the campaigns of CND and the politics of the 'Left' helped forge the women's movement. Political struggle over many issues was acute during the period. It was in the context of struggles for racial equality and student demands for a 'democratic society' that Stokely Carmichael was purported to have said, during a meeting of the Student Non-Violent Coordinating Committee, that the only position for a woman was 'prone'.⁶

This particular statement is central to the mythology of the time and it may have even been said. What is certain is that the politics of resistance during those years created the space for something called the 'women's movement'. It was during this period women began to get together in what were termed 'consciousness raising groups'. The talk in these discussion groups ranged over the whole field of women's experiences; their feelings about themselves and their loved ones, their jobs, their sex lives. Of course, women had been talking about these things for a long time, but consciousness raising groups were not intended to be 'hen parties'. The slogan was 'the personal is political' and participation in such

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discussions was intended to foster the development of political conclusions.

It was explained in the first issue of *Spare Rib* Magazine that:

In the Spring of 1971 some of the members of the Chiswick's women's liberation group became tired of just talking about the causes of women's oppression. So they formed another group which they called Women's Aid setting out to assert women in need of active help (sic). (*Spare Rib* No. 1 July 1972)

It is with the birth of Chiswick Women's Aid the story of the issue of violence against wives can properly begin.

The First March on Chiswick High Road

The establishment of the first women's refuge in the world has been recounted in *Scream Quietly or the Neighbours Will Hear*.⁷ The women's group which formed Women's Aid did not initially consider the issue of violence against wives. The centre which they established was certainly not intended to be a service for battered wives. In fact the first campaign they embarked upon was one directed against the rising prices of foodstuffs in highroad supermarkets. The strategy was a simple one:

On a Friday morning a member of the group visited each of the six main supermarkets in Chiswick High Road taking a note of the prices of basic foods like eggs, butter, cheese bacon and sugar. On Saturday morning the name of each supermarket and the comparative prices were chalked up on a blackboard which was carried up and down the High Street. The blackboard stopped outside each supermarket so that the staff could see what was going on. Most of the shoppers supported us but the supermarket managers were, not surprisingly, hostile. Some wrote to the local papers, and others threatened to take us on personally. (*Spare Rib* No. 1 July 1972)⁸

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The next active campaign carried out by these women was the organization of a protest against legislation which cut off the provision of free school milk. This effort culminated in a march of some five hundred women and children (and one cow) down the Chiswick high road. Their efforts to fight for continued provision of free milk were, largely, unsuccessful. However, by this time they had achieved national notoriety and, more importantly the keys to a small house in Belmont Terrace.

Pizzey explained in *Scream Quietly* how the role of the house in Belmont Terrace slowly evolved. It was not immediately apparent to the women involved that there was a need for a service for battered women. Beaten and bruised women began to trickle in, in need of shelter and protection from violent husbands, with no money and no place to go. As these women arrived Chiswick Women's Aid evolved into something really new: a Women's Refuge.

An overview of the coverage of the issue of wife battery in Spare Rib Magazine during those first few years reveals something of the priorities of activists like Pizzey. Between July of 1972 and the end of 1975 the magazine published forty two issues, which included 12 major articles on the issue of violence against wives.⁹ These articles taken as a whole, tend to direct attention to the growth and health of the refuge movement. Two articles cover issues relevant to the law as it regards battered women, a third discusses how women can get legal possession of the 'matrimonial home', and a fourth is an editorial which relates the issue of women having to leave homes who are confronted with the chronic housing problems of urban London. The eight remaining articles are concerned with the need to expand refuge provision and the troubles of maintaining those that had already been established.

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In addition the magazine is peppered with announcements from groups trying to establish new centres. Here are some examples from the February 1974 issue (No. 20):

**Brixton Women's
Aid** 01-274-0552
house for battered
women and children,
the women are
applying for status as
a registered charity in
order to raise money.
Run on a self-help
basis, with weekly
meetings to discuss
management of place
and problems, weekly
session with a
solicitor. Urgently
needs practical help.

**Islington
Women's Aid**
Plans for a house are
going ahead. To find
out more about what
is happening contact
Family Service Unit,
2 Sherbourne Rd. N7
Tel. 01-609 1212

In the first few years of the movement, the most pressing concern was the need for money and volunteer help to expand refuge provision. Activists spent a lot of time and effort trying to obtain support for these measures. It was reported in 1975 that when Leeds Social Services Department officials refused an Urban Aid grant to Leeds Women's Aid for a battered women's refuge they had established six months previously it merely strengthened their resolve to "underline their ties with the Women's Movement" (Spare Rib no. 33 March 1975). The popular image of

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activists in the women's movement at that time was of bra burning 'women's libbers', but the women thus caricatured were less interested in burning underwear and more preoccupied with the establishment of more and better refuge provision, the need for which their detractors were loath to admit. The idea of Women's Refuges, staffed by women for the benefit of women provided these activists with their reason for being. An underlying theme was that already existing agencies, social services being frequently mentioned, should have been doing this work but were not. Indeed, it was argued that state agencies could not be depended on to do so. Pizzey's own accounts of contact with various agencies on behalf of individual women reiterates this point many times. In her words "It would probably take a Charles Dickens to do full justice to the labyrinth of indifference, red tape, callousness and simple incompetence that exists between people in need and so many of the agencies that are meant to help them from the DHSS to the NSPCC.¹⁰

Connected with this issue was a philosophy about the organizational structure of women's centres. Pizzey herself professed a profound dislike of 'red tape' but she was not alone in asserting that the basis of 'feminist practice' should be collective and non-hierarchical. All of the women's centres established in the community during this period were based on a discourse centred around notions of 'collective decision making' and 'self help'. This philosophical reasoning, together with the practical interventions with which it was associated, was to remain a central consideration of British feminists involved in the issue of battered wives until well into the 1980s.

Directly connected with the need for more refuge provision was the issue of housing. At the time London suffered from chronic housing

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problems, a problem which persists. Refuges that were established were frequently squatted buildings and women moving on from refuges often squatted new accommodation because local housing authorities were unable, or unwilling, to help. Housing was a central theme in the articulation of the battered woman's plight:

Since speculation in land and property forced house prices up, and changes in the law gave tenants in private rented accommodation more rights, housing in the private sector has become scarcer and scarcer, and rents more and more impossible. A two room flat let in London averages £20, a bedsit at £10. These factors have helped push the housing problem on to the shoulders of local authorities and have revealed the real chaos of housing provision in Welfare State Britain. Women make up a large section of those who suffer extremes of hardship in this state of affairs - single women, women whose families have grown up, women whose families have broken up, gay women whose choices do not include family life. Council housing policies focussing on the family as a basis for allocation do not answer their needs. (Spare Rib No. 40 Oct. 1975)

Activists knew well that women leaving home because of battering had the almost insurmountable task of setting up new accommodation for themselves. In such a situation their standard of housing, along with their income level, usually plummeted. Waiting lists for council houses were, and continue to be, impossibly long. Homeless persons have to run the gauntlet of homeless hostels, bed and breakfast accommodation or short life council properties (usually decaying, sub-standard tenements and houses due for demolition). Confronted with the question 'why do battered women put up with the violence?' activists were very likely to point to these realities and scoff at the idea that such women had any choice. Erin Pizzey reiterated the point in *Scream Quietly*:

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As for the reaction, 'A lot of them like it', I've never met anyone who experiences this sort of violence - a broken jaw or a fractured spine - and wants to stay with it. No one wants to pay that price for a martyr's role. Most often it is a case of like it or lump it. That's the Catch-22: if the women put up with violence it's assumed they like it. In reality they stay and put up with it because they have nowhere else to go. Because they stay and put up with it they are assumed to like it and so they are blocked from finding somewhere else to go. So they stay and put up with it and it's assumed they like it. Many thousands of women are enclosed inside this vicious circle.¹¹

In the years up until 1975 the central preoccupation of the activists involved with the cause of battered women was the need for refuge provision and, in the longer term, access to proper housing for women who needed to leave violent men. Activists, most notably Erin Pizzey, skillfully used the channels of communication open to them. The media, in the first instance the local Chiswick paper *The Brentford and Chiswick Times*, and later national papers, radio and television, were fed information which was eagerly snapped up. A television documentary film about Chiswick Women's Aid (made with the help of Pizzey's husband who was, then, a television producer) was shown nationally and, while more voluntary help was forthcoming, this publicity also guaranteed a major increase in the number of appeals for help.

At this time there was some agitation by officials in statutory agencies about the need to 'study the problem' in order to determine its extent and the demand for such services. The activists attitude to this response was that the refuges themselves were evidence of the demand. They noted that "courage fearlessness and a healthy disregard for bureaucracy are obviously needed to set up a Woman's Aid Centre for battered wives." (Spare Rib No. 24, June 1974) The women involved in the movement were

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inclined to view local authorities' responses as a delaying tactic typical of the attitudes they expected from representatives of the State. After all, when individual women victims of male violence went to the DHSS, or the local housing officer, or social worker or police officer they were 'referred on', told 'its not our job' and asked to wait until something could be done. The activists did not expect anything different when they approached the State collectively. In Manchester a local group squatted a refuge. This was done in cooperation with the local radio and television networks. This demonstration succeeded in gaining a promise of a permanent house from the director of social services in front of television cameras. (*Spare Rib* No, 24, June 1974). Erin Pizzey advised delegates at a conference sponsored by Chiswick Women's Aid held at South Bank Polytechnic in South London to "choose a nice house, preferably belonging to the council, move in with battered mothers and children; they most certainly can't turn you out - ring us if they try."

Of course, women involved in the movement did not limit themselves to these guerilla tactics. They also sought to lobby Parliament and a dossier of cases involving violence against wives was publicly handed to the Prime Minister. This was followed by a series of questions in the House to various senior government members.¹² Some of the questions were directed towards the various recourses available to the women concerned. Such a line of enquiry was welcomed by the refuge activists because, at least according to their logic, that directly led to a discussion of the need for more refuges. Other questions were asked, however, which were not welcomed so enthusiastically, questions to do with the 'prevalence of the problem'.

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At this time there was no question of being able to give any accurate estimate of the extent of the problem. For example, an analysis of demand on police resources was reported in *New Society* in 1973. Punch and Naylor analysed telephone calls to the police in three Essex towns over a fortnight. Of some 980 calls, 11% involved domestic disputes. However, there was no way of determining how many of these calls involved assaults and there was some question as to how many of these calls would represent serious instances of violence by husbands on wives. (*New Society*, May 17 1973: 358) Matrimonial Courts data were also considered to be unreliable because the general categories of 'cruelty' and 'unreasonable behaviour' were deemed to cover too wide a range of behaviour to be considered valid measures of the incidents of wife battering relationships.¹³ Not surprisingly the need to delay the introduction of measures to address the problem of battered wives until an accurate estimation of the prevalence of the problem was made was viewed, by refuge activists, as another delaying tactic by the State. Those questions in the House did, however, bring social science into the discussion of the issue.

The role of Social Science

Social scientists played a limited role in the articulation of the issue at this time.¹⁴ In the early 1970s there were relatively few women in social science involved in issues of practical concern to feminists, and there were even fewer men. However, social-scientific investigations were carried out, mostly on a fairly small scale. The work of social scientists at the time tended to divide up the problem into two distinct questions. The first being directed towards what could be accomplished in terms of

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'preventative measures', counseling and 'reintegration'. This line of questioning was given priority over the second which involved questions about what to do when the relationship had clearly ended.¹⁵

Six general areas were identified as in need of an overhaul in order to improve the official provision of services by statutory agencies.¹⁶

1) Improve the level of provision. This amounts to 'more of the same', but it was argued that a considerable increase in the numbers of social workers, marriage guidance counsellors, psychiatrists and others was needed to allow more time to deal with case loads.

2) Improve the formal liaison between agencies involved. It was pointed out that there were many agencies to which women in battering situations would turn and that these did not necessarily operate in the same way. This meant that the roles of different agencies concerned may lead them to seek to resolve the problem in diametrically opposed ways. A parallel was drawn with the tensions between doctors, social workers, and police dealing with cases of battered children.

3) Broaden the functions of some of the agencies involved. Suggestions were made that the police recognize their 'social service role'. Suggestions were also made that casualty departments in hospitals should probe the source of injuries, including the background suicide attempts and should make more positive steps to link 'suspect cases' with social work support. It was acknowledged that suggestions like these challenge the traditional agency functions and could consequently evoke a negative and conservative response.

4) The provision of new forms of organization were also put forward. Suggestions for a new 'family court' to rationalize the different jurisdictions dealing with the family and its problems and to simplify their diverse powers and limitations were made. It was also suggested that the DHSS might establish an 'interdisciplinary team' dealing with preparation for parenthood which could develop programs on child and wife abuse.

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5) Improvement of material provision for women who have to leave violent men. It was recognized that housing was of central importance. At the same time it was felt that prioritizing the housing needs of battered women would create a problem because they are only one group competing for scarce housing resources. The implication was that more housing would have to be provided, but no programs were ever officially begun.

6) Provision of financial support, which was linked with the need for housing provision. One concrete proposal was the Guaranteed Maintenance Allowance, in which the collection of maintenance from the batterer would be carried on by the state, thus the default or inability to pay would not lessen the provision for the woman and children forced to flee a battering situation. However, it was pointed out that men who batter often suffer from severe problems of their own, including alcohol dependence and/or mental health problems. Since financial provision for battered women was linked to the need for consideration of response to the 'other parties involved' such proposals did not get very far.

Erin Pizzey had offered a critique of the services available through existing agencies in *Scream Quietly*. Social services, the police, social security, the hospitals, mental hospitals, doctors, marriage guidance counsellors, the probation service and health visitors all came under her guns and none did too well. The broader women's movement was also largely unimpressed with efforts made by state agencies in those early days. Feminists talked about 'battered wives'. They had a simple answer to the question what is to be done? That answer was: 'build more women's refuges'. As we have seen, they had developed tactics, some of them confrontational, to implement this strategy. Social scientific research carried out within the confines of psychological paradigms or social administrative discourses did not have one single analytical category; 'battered spouses', 'violent relationships' 'pathological personalities' and

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many others were put forward as competing explanations. However, regardless of the category of explanation employed, social scientific discourse aimed, primarily, at 'reintegration' and 'prevention', that is: the maintenance of what feminists defined as 'the patriarchal family unit'.

In the middle of the decade the first real twists in the history of the debate about domestic violence took place. This was the year that a split in the refuge movement came to the surface. It is also the year that central Government really became involved in the issue. The Report of the Select Committee on Violence in the Family, produced in that year, set the stage for new legislation in 1976 and 1978. From this time forward violence against wives is no longer the virtually exclusive realm of an apparently united Women's movement. New ways of talking about the violence began to come into the public sphere. Some of these new 'languages' came from unexpected sources and the contest for meaning reached new heights.

The Split in the refuge movement and its consequences

The most significant change of 1975 was the split that occurred in the refuge movement. It is difficult to reconstruct this historical moment, even now some fifteen years later there are gaps in the record which have not been unearthed. What is certain is that the movement developed nationally throughout 1974-75. Over 25 Women's Aid groups were represented at the first national meeting in London in the spring of 1974. By the time of the second meeting in 1975, 82 groups had been established, with 25 refuges.¹⁷ At these meetings the activists were

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attempting to forge an institutional base from which to further their goals but as they got closer to formalizing a structure it became evident that consensus was impossible to achieve.

The first meeting in 1974 was a successful media event but very little business was actually discussed. The second conference, held in the Congregational Church Hall in Chiswick, London on the first and second of February 1975 was a more business-like affair. Representatives from all over England, Scotland, Wales and Ireland met together at the Hall at 10:30 on that Saturday morning. Most were women, but there were also five or six men from various support groups. At the time it was reported that "there was an agenda prepared, with suggestions for workshops and representatives joined whichever group most interested them in one of the small rooms or corners available." (Spare Rib No. 34, April 1975) The items discussed in these small groups included the problem of battling with local authorities for recognition. The report of the meetings in Spare Rib makes it clear that the activists did not generally regard representatives of local government as supportive of their efforts. But, the discussion was not limited to complaints of getting short shrift by the Town Halls. There was also talk on a number of practical issues including counselling techniques for helping husbands change their behaviour. Activists were also interested in finding out how to form legal housing associations as a means of overcoming the accommodation shortage. The main event, however, came on the second day.

Sunday was spent in plenary session. There was only one issue to discuss; the structure of the organization. The question of a role for a National Coordinator was discussed first and it was agreed that all groups were part of a 'National Women's Aid Movement' and that a 'National

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Coordinator' was needed. In principle it was agreed that an office with a central management was needed to disseminate information between groups, to concentrate pressure on a national level on the DHSS and other organs of the central government and to coordinate Urban Aid grant applications. However, the details of the organization could not be worked out on the day. Instead, it was decided to convene a further conference of delegates, one from each of the 83 groups in existence, to meet in Manchester in March 1975, as an assessment committee to discuss the position of National Coordinator, put up nominations, discuss funding and hear reports.

It is here that the record becomes patchy. It is certain that the general philosophy of the movement was guided by the principles of the Women's Movement more generally. The federation was conceived to be broadly based, with egalitarian and diffuse forms of work and organization. Autonomy for local groups was a central aspect of this organizational approach. Emphasis on local power within a non-hierarchical political form was perceived to be the best way of emphasizing the experiences of women. There was an explicit ideological conviction that connected the notion of 'hierarchy' with the notion of 'patriarchy'. Certainly, the activists came by their dislike of hierarchy honestly, they had seen at first hand how individuals could be shunted around between offices in the labyrinth of the hierarchical State. Such experiences could only foster an anti-State sentiment. However, this was not articulated in anarchist terms, rather, it was described in the terms of feminism, hence the connection between 'State' and 'Patriarchy'.

It is likely that Erin Pizzey, by virtue of the fact that she was so personally visible at the national level, fought and lost a political battle on

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this issue. She was described, a decade later, as "a combative and articulate character, an inspired egoist who moved mountains by somehow seeming more mountainous herself."¹⁸ It may simply be that the majority of those present decided to raise the mountain to afford a view of the foothills. Erin Pizzey was too visible and much too personally powerful, for activists who believed in non-hierarchical organization and 'consensus' (or, perhaps, 'democratic') decision making to verify as National Coordinator. What ever the reason, Pizzey was not affirmed National Coordinator. In rejecting her for that position the battered women's movement was fractured.

Pizzey counter-attacked swiftly. In the aftermath of the conference she wrote to local authorities advising them to scrutinize all applications for grant aid from groups wishing to set up new refuges, in case they propagated 'women's liberationist ideals'.¹⁹ This is somewhat ironic given that only ten months previously she had been advocating just these ideals, including those of collective decision making and militant action like squatting refuges. In fact she had called herself a feminist on the very first page of *Scream Quietly*. Feminist or not, Pizzey piloted Chiswick Women's Aid off in its own direction and the majority of the other refuges, under the banner of the National Women's Aid Federation, were left without their most recognizable spokesperson.

Up until that time Pizzey had been the most visible personage in the struggle on behalf of battered wives. Her name was synonymous with the refuge movement. She was one of its most successful fund raisers and certainly one of the most seasoned organizers. To the public of the time, Pizzey provided a 'face' for the movement. The basic battles to establish more refuge provision still had to be carried on after the split. Women's

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refuges continued to be established, but the heady days of the Movement were gone, what was left was a battle on all fronts; against local government, the DHSS, and central government. The National Women's Aid Federation was still dedicated to creating living space for women who needed to leave violent men and the skirmishes they engaged in centred almost solely around attempts to establish new refuges. However, they were, by this time, losing favour with the media.²⁰

To take a particular example, on March 15th 1976 the Grimsby Borough Council voted to evict women from a house they had set up as a centre for battered women (Spare Rib No. 46, May 1976). The council argued that they could not support anything 'illegal', the group had squatted the house and an example had to be made of them. Refuge activists had been discussing the possibility of starting a refuge with the council for two years before it had come to this confrontation. Grimsby Borough Council had been approached in 1974 about providing premises for a battered women's centre. They had agreed at the time that there was a need for such a facility but stated that it was not the responsibility of the Borough Housing Committee and suggested that the matter be pursued through the local social services. Instead the women's organizers went a step further and approached the council in Cleethorpes, the adjoining town. A joint meeting including Grimsby Council and the local Social Services was set up at which all of the officials acknowledged the need for such a service. However, only Cleethorpes Council agreed to take any responsibility.

After some time a house, 383 Grimsby Rd., Cleethorpes, was suggested as a centre. The building had been standing empty for nine years and the council had bought it five years previously. The Housing Committee

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supported the choice, but the full council turned it down. The women's group and its supporters met on February 8th, 1976 and decided to take matters into their own hands. At eight o'clock in the morning the next day group members occupied the house. The ensuing fight between the activists and the council lasted one month. But the issue being fought over had changed subtly, it was not about the need for a refuge, or where a refuge should be or, indeed anything to do with battered women. After two years of arguing with councillors, who agreed in principle that a refuge was needed but could never agree to offer the necessary resources, the activists had taken direct action and the issue, as far as councillors were concerned, became the illegal occupation of council property. During the early weeks of March sympathetic councillors went to the centre to 'plead' with the women to give up the occupation so that they could argue the case more strongly in council. The occupiers turned a deaf ear to the pleading, after all the women had been waiting since 1974 for local government to 'come up with the goods'. A petition with 1,700 signatures was presented to the Mayor of Cleethorpes, but the effort was in vain and on March 15th a Possession Order was implemented, ending the occupation.

However, the years following 1975 were not without success for the activists. The Report of the National Women's Aid Federation at the end of 1977 stated that there were "98 Women's Aid Groups of which 88 have at least one house." NWAFF had tripled its resources in two years and if the resources of the independent refuges are included in the figuring, provision for women who needed to leave violent men had quadrupled nationally. The period is full of stories that illustrate the slow progress of expanding refuge provision.

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For example, there is the story of the establishment of a refuge in Canterbury. (NAWF Report Dec., 1977) A large house had been squatted in 1975. Originally in the hands of the Official Receiver, the occupiers originally made an effort to obtain a License to Occupy which failed. The second effort to gain rights of occupation was to purchase the house outright, to this end £3,500 was raised over one year. Unfortunately, for the activists, the house was bought over their heads and they were evicted in November of 1976.

In order to put pressure on the council to come up with an alternative property, the activists refused to run down the numbers of women housed in the shelter. The new house provided was much smaller than the original and the activists began to raise the necessary £30,000 needed to buy a house outright, rather than remaining dependant on the local state. It was apparent to the organizers in Canterbury that they had less than total commitment from local officials but they did have some success on other fronts. During this same period Kent County Council provided two small houses, for which rent had to be paid, to be used as half-way accommodation. By national standards Canterbury had accumulated quite extensive facilities.

Setting up a network of tangible support for victims was a modest success in Canterbury, not so in Guildford.²¹ There women had been legally offered a squat, keys and all. A small four bedroom house with no bathroom, cold water only and an outside toilet was established as a women's refuge. The occupiers were 'unofficially' allowed to stay there until the house was needed for re-development, which was to be only a matter of months. There the activists took the decision to do everything in a legal manner in order to strengthen their position when it came time to

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negotiate for a permanent refuge. The police, gas board and other relevant agencies were informed of the establishment of the shelter. In their report they stated that:

One reason for telling the council you're squatting is that if you're evicted you can get (if you play your cards right) good press publicity.²²

The activists reported that their brief occupation of the refuge was marked by harassment from hidden enemies. On two occasions council workmen 'accidentally' boarded up the house. Embarrassed councillors explained that it was routine for workmen seeing an empty council house to board it up. The shelter's occupants were dubious and asked how this could happen twice when possessions were obviously lying around the premises.

Before this harassment became an issue of central concern the Guildford refuge was moved to different premises. The house they squatted was ideal for a refuge, three stories high with two kitchens and ample facilities. It was the property of the Charity Commission, the borough councillors being trustees, with a covenant to be used for the benefit of the children of the borough. Previously it had been used as a probation centre and at the time there were plans to rent it out as office space. The council estimated getting about £7,000 per annum. Refuge activists pointed out that money gained from previous renting had not been used for children of the borough and felt justified their own occupation of the house. Their point was that a women's refuge perfectly matched the conditions of the covenant.

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The battle for possession began immediately. A housing official came around on the first day of occupation (a Sunday) arguing that the occupiers were taking bread from the mouths of children. Despite sympathetic press coverage (there were four editorials in local papers advocating that the occupiers should be given possession) the local council was extremely hostile. Again the issue was not providing resources for victims, everyone agreed to this in principle, the issue was the 'irresponsible attitude of the Women's Aid group' in illegally occupying council run property. According to the NWAF report councillors were particularly incensed because the occupiers had chosen such a good house.

It was explained to the occupying refuge activists by a council solicitor that, in order to placate angry councillors, he was putting an eviction order in motion, but that it would not necessarily come to the occupiers being thrown out. The eviction order was not an idle threat. In the eleventh hour the activists organized a campaign to halt the eviction, but it went ahead, with national press coverage. All that was salvaged was some promise from the council for help in housing the nine women and twenty one children in the refuge at the time. To add insult to injury, the house remained empty afterwards until the decision, some six months later, to carve up the house into flats.

What these accounts from the time reveal is that, having identified beaten wives as a political and social issue, feminist activists set about trying to develop a response to the perceived needs of the victims. In conditions of chronic housing shortage the single most important need was perceived to be refuge facilities. Activists formulated a response to wife battery predicated on the assumption that they would be able to provide living space for battered wives and their children. In this they came into

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contact with local housing officials who were the state representatives in charge of housing allocation. Accounts of attempts to establish refuges indicate that these officials were not as cooperative with these efforts as they could have been. The apparent reluctance of officials to act prompted 'direct action' by many activists, meaning that they occupied council property, in many cases illegally. Activists felt justified in doing so in many cases because the property that they occupied had been vacant, sometimes for considerable periods. They became increasingly embittered by the lack of action by the local state and viewed pronouncements to consider action with increasing suspicion. When local government officials and activists met talons locked. The dynamic they were trapped in could only be a vicious downward spiral.

The split in the refuge movement followed by the consolidation of the Women's Aid Federation seems to be accompanied by a reversal of perception of the issues in the media. The independent refuges, of which Chiswick was (and still is) the most well established, continued to play their part in providing a service to women victims of violent men. But, aside from the libellous attacks made by Pizzey against the WAFE, the voice of Chiswick was somewhat muted. The activities of the WAFE continually brought them into conflict with local government and the media generally seems to have been growing progressively less inclined to paint a positive picture of the activists' struggle. Meanwhile, central government was beginning to move on the issue.

The Select Committee Report

The broad discourse of feminism was beginning to have some considerable effect by the mid-1970s. The pressure that the refuge

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movement was placing on local government was intensified by national press coverage and these combined to pressurize central government. During the period when the refuge movement was fighting to expand its service and waging its internal ideological battles central government was preparing its own response to the issue. This emerged in the form of the Report of the Select Committee on Violence in the Family. The committee drew on the views of many interested individuals and institutions. Representatives of battered women (some victims of male violence themselves), the legal profession, the police, the DHSS, the medical profession, psychologists, sociologists all contributed to the discussion. Not all of this discussion fit in well with the views of the women's movement. For example the testimony of a number of physicians was directly contradictory:

I think there are occasions in certain levels of society in which the woman is prepared to take a fairly regular black eye and looks upon it as a kind of evidence of virility in her husband. (Select Committee on Violence in Marriage 1975: 209)

I think we have also got to recognize in many of these families there is a sado-masochistic sort of polarization. (Select Committee on Violence in Marriage 1975: 173)

This kind of formulation of the problem, usually typified by the notion of 'family violence', is at odds with the formulation of activists in the refuge movement. There was, and continues to be, a tendency among these professionals to comprehend the violence as fights between individuals, often pathologising it. Health care professionals, and indeed many other professionals who come into contact with such violence, tend to regard the violence as fights between man and wife, as a purely

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personal thing between two people. Accordingly, what they do in their own home is their business and if they want to beat each other up it is also their business. Given the view that the violence is purely personal, and pathological, there is little that these professionals feel that they can do.

The committee did hear evidence from 'battered women' as well and this stood in stark contrast to the evidence of these professionals. For example 'Mrs. Z' recounted being stripped naked and beaten with a wet towel by her husband and his friends. When asked 'had she ever been raped?' she replied:

No I had to give in to what they wanted because I was so scared (Select Committee 1975: 25)

While feminists were trying to argue that forced sexual intercourse was an integral part of wife abuse which involved the use of coercive power by men on women bound in a patriarchal, monogamous and heterosexual relationship, men from the medical profession were using a different conceptualization which personalized the conflict.

The police were also canvassed for their views on the issue and, again, their conceptualization was at odds with the feminist analysis. The police also tended to personalize the violence. Evidence submitted by the Metropolitan Police Department stated that:

Whereas it is a general principle of police practice not to intervene in a situation which existed or had existed between husband and wife in the course of which the wife had suffered some personal attack, any assault upon a wife by her husband which amounted to physical injury of a serious nature is a criminal offence which it is the duty of the police to follow up and prosecute. (Select Committee 1975)

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In general the police regarded violence between husband and wife in the same way that the medical profession did, that is as fights between individuals. They were seemingly incapable of seeing the problem in the same way that feminists did; as a problem of structured asymmetries of power. The police understanding also involved the distinction between a 'criminal' assault, which involved a high degree of injury and a simple 'offence' which may involve a degree of injury but basically boils down to a matter between two persons, one of whom may elect to take the matter to court.

Some recommendations came out of the Committee Report that pertained directly to policing practices. Chief Constables were to:

review their policies about the police approach to domestic violence. Special instructions about this difficult and delicate subject should be given to all new recruits, and regular written guidance should be issued by the Chief Constable in the form of advisory leaflets. (Select Committee 1975)

However, such a suggestion could not be forced upon the police due to the traditional understanding that each chief police officer is independent with regard to operational matters.

Recommendations by the Committee resulted in few changes in operational policing.²³ However, one small in-house project was initiated by the Bedfordshire police. This is important, because up until that point the documentary evidence from Britain does not show any concerted interest in the policing of violence against wives. Certainly feminists had pointed out what they saw as the callous attitude of police officers attending to calls concerning women victims of violent men. However, feminists had not put any organizational effort into lobbying for changes in

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police practice. It is not until the publication of the Select Committee Report that the documentation shows any such interest in altering policing practices.

The Bedfordshire Police monitored reported cases of domestic violence from February 1 to July 31, 1976. This was the first time in the history of British policing that the operational tactics employed in responding to violence against wives was ever explicitly considered. The investigation followed police accounting procedures and determined that, over the period of the study, 228 calls for assistance were made resulting in 104 arrests (36%). The remaining cases were dropped because the victim did not wish to press charges. It seemed only reasonable to conclude that arrest should not be pursued when the victim did not wish to press charges herself and police remained largely uninterested in assessing their own role in dealing with the violence. The police were to remain impervious to criticism and intractable in their practices until the middle of the 1980s.

The Select Committee's Report did, however, affect policing practice in one way. The Domestic Violence and Matrimonial Proceedings Act (1976) and the Domestic Proceeding and Magistrate's Court Act (1978) were two pieces of legislation which passed as a result of the Report. The Committee had paid special attention to the law as it related to wife abuse. In the course of the investigation it had been determined that both the civil and the criminal law contained substantial faults. It was perceived that the Offences Against the Person Act (1861) contained the necessary legal powers to start criminal proceedings against men who assaulted their wives, but that these were seldom used. (Select Committee, 1975: 380)

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The Civil Law, as it related to battered women, was also found to have practical difficulties. Two types of injunction were available: non-molestation orders (which prohibited pestering or the use of violence against the applicant) and exclusion injunctions (which, if granted, effectively allowed sole occupancy). However, these could be obtained only if related procedures, such as divorce or judicial separation, were already being proceeded with. In addition, these orders could only be enforced by court bailiffs who only worked regular office hours.

Recognizing that an improvement in the law could be of material assistance to the victims of domestic violence, the committee recommended that:

If the criminal law of assault could be more uniformly applied to domestic assault there seems little doubt that it would give more protection to the battered wife. If the enforcement of civil law could be made more satisfactory, a man who had beaten his wife once might well be prevented from repeating his crime.(Select Committee, 1975: xvi)

In addition, the Finer Report, another Parliamentary report issued in the same year concerning itself with one-parent families, recommended that changes in the Civil Law brought about by new legislation represented the most appropriate way for women victims of violent men to secure long term housing.²⁴

Consideration by Central Government gave the issue of battered women over to the higher reaches of the criminal justice system. Although there were some suggestions that innovations in police procedures should be sought the resulting efforts did not amount to a great deal. The issue was more easily translated into the language of the civil law, however, and this did affect police practice. It also affected the WAFE and individuals

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dealing with the violence on a more personal level. It is worth looking, briefly, at the nature of the debate as it was conducted on the terrain of the civil law.

The application of civil law

The resulting legislation looked very promising on paper. However, it has been noted that "following the introduction of any new statute there is a process of interpretation by the judiciary when the intentions of the legislators and the compatibility of the provision of the new legislation to existing precedents are established."²⁵ The 1976 legislation permitted any county court to make orders:

- a) restraining the respondent from molesting the applicant or a child living with the applicant;
- b) excluding him from the home or a specified area in which the home is situated; or
- c) ordering the respondent to allow the applicant back into the home (DVA, s. 1 {1})

The law was liberalizing in one respect in particular. It extended the legislation to include people cohabiting but not married. In addition, Section 2 included a novel provision. It allowed judges to attach a power of arrest to any order. This could be done when it was shown that the respondent had caused actual bodily harm to the applicant or children and it was considered likely that he may do so again. When attached the power of arrest did not compel officers to arrest in instances where there was a breach of an injunction, opting for much softer wording stating that police officers may arrest. The wording of this section produced particular concern. It was felt that increasing police involvement in domestic

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violence would overburden already stretched resources and, further, there was uncertainty about whether it was proper for police to be involved in such cases.²⁶

Resistance to the implications of this legislation was evident over the following years, particularly in the context of limiting the availability of ouster injunctions. For example, in the case of *Elsworth vs. Elsworth* in 1979 the fundamental question of whether it was really necessary for either party to leave was raised. Further, in the case of *Walker vs. Walker* (1978) it was asked, if yes, who should it be? These decisions make it evident that the courts were concerned to find a way of 'reintegrating' the estranged couples if at all possible.

Despite the fact that there was provision for injunctions to be issued without the presence of respondents in court the judiciary were extremely wary of granting them in such circumstances. In the appeal of *Masich vs Masich* (1977), the presiding Judge, Lord Justice Sir Roger Ormrod, went so far as to remind solicitors that such applications were an abuse of the process of the court and that such applicants could, in future, find themselves liable for court costs. He later argued, when hearing *Ansah vs. Ansah* that all such applications "should only be made in an emergency when the interests of justice or the protection of an applicant or child clearly demands immediate intervention. Such cases are extremely rare since any urgent application can be heard on two days notice on either side." (*Ansah vs. Ansah* 1977)

In addition, these injunctions were defined by judges as only a short term solution. This meant that any injunction granted lasted only three months. The origin of this interpretation is that ouster injunctions do not alter property rights and they were not allowed to interfere with them.

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This was argued by Lord Salmon in the case of *Davis vs. Johnson* (1978). He stated that it was difficult to imagine "that it could ever be fair, save in the most exceptional of circumstances, to keep a man out of his own flat or house for more than a few months."²⁷

Juridical interpretation limited the applications of injunctions in another way as well. Lord Justice Ormrod argued in the case of *Spindlow vs Spindlow* (1979) that decisions were to be made in the best interests of the children and that this may, in rare circumstances, effect property rights. A year later in the case of *Harding vs. Harding* he stated that "it is the primary responsibility in these cases to ensure that the child or children have the best home that the two adults can provide and the interests of the adults must take second place to the interests of the child." (*Harding vs. Harding* 1980)

Laying out some of the case history of the application of this legislation is a very abstract exercise. The literature that grew up around the implications, uses and abuses of this legislation, especially within the discipline of law, is immense. In many ways it deserves explicit consideration on its own, but this is beyond the boundaries of this thesis. Reaction to the application of this legislation by academics can be documented.²⁸ What follows is a brief review of this discussion.

Three distinct positions can be identified when this literature is examined. The first of these identified the law as only one of many social services that battered wives may turn to for assistance. As such it was felt that the law should be made as 'efficacious as possible' for the victims of violence within the home.²⁹ It was suggested that this efficaciousness depends as much on judicial discretion as it does on careful wording of the law. In such cases victim's definitions of what is 'unacceptable violence'

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should take priority and legal action should stem from victims' accounts, feelings and needs.³⁰ According to this view the law is not seen as a panacea:

Legal compulsion, through court orders or prison sentences, will not solve the problem which has caused the violence in the first place, nor may it even prevent further manifestations of the violence. Indeed it may in fact, as has been amply documented, only exacerbate the woman's situation and lead to further violence against her for having sought legal help, a factor which may explain only too well her reluctance to pursue a legal remedy which she had already initiated.³¹

The limitations of legal practice were the starting point for this line of reasoning. Legal resources were to be devised and utilized to provide a satisfactory service to the user as part of a wider response by other interested agencies. The passing of the Domestic Violence and Matrimonial Proceedings Act (1976) and the Domestic Proceedings and Magistrates Court Act (1978) was seen by some as an improvement in the legal provision for battered women. However, it was also felt that the law needed simplifying:

To this end there is a need for a system of family courts. The many recommendations for a system have so far gone unheeded. Such a system would be as informal as possible and would have a greater chance of emphasizing the social problems which lie behind domestic disputes, including cases of domestic violence and provide the necessary welfare and advisory service from social workers as well as an improved legal service. The courts would exercise both civil and criminal jurisdiction so that the appropriate remedy in each case could be considered within one system.³²

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The possibility of a Family Court is also the key to the second line of reasoning regarding legal intervention in cases of domestic violence. The *Finer Report* was presented to Parliament in July 1974. This report was an investigation of one parent families and their relationship with the legal system. The second line of consideration does not emphasize women's views of the violence in the way that those arguing for 'efficaciousness' did. Rather, the Family Court was conceived by some to be a treatment centre for sick marriages:

What is wanted in a progressive society is not only a mortuary for dead marriages but a creative hospital service for sick marriages and even a preventive service that may help to eliminate the trouble at the start just as inoculation has largely rid us of diphtheria.³³

We can see two separate questions being asked here. The first is an attempt to utilize the civil law and services available through other statutory agencies and voluntary bodies to meet the needs of women who clearly need to escape from violent marriages. The second seeks to resuscitate families which have been broken down by violence, and sees efforts by the State as aimed at providing preventative and remedial measures.

The relationship between violence against women and the legislative innovations of the mid-seventies was formulated for the third time a decade later. The argument by this time was that, not only were the new legal interventions not a panacea they were an 'ideological mask' which hid the underlying power relations of a male dominated society.³⁴ By the time that this analysis was formulated the limitations placed by Judges on how this legislation was used were very clearly in evidence. At the turn of the decade it seemed that the DVMA (1976) and the DPMCA (1978), together

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with the Housing and Homeless Persons Act (1977) did not provide a viable route to permanent housing for most women.³⁵

The legal innovations of the mid-seventies took the issue of 'domestic violence' onto the terrain of the civil courts. They did not provide an 'instant fix' for women victimized by their intimate male partners. Indeed, it seemed that in the hands of judges and legal professionals the problem was more likely to be seen in terms of how to 'reintegrate' families rather than in terms of how to provide housing and other necessary services to women forced to leave their homes by violent men. These innovations in legal discourse were put on the books at roughly the same time that the refuge movement split. The statutes were being tested in the courts over the same period that activists were occupying disused council dwellings. Altogether there was a great deal of dust and confusion but, at the end of the decade, several social scientists were poised to make major contributions to the discussion. Perhaps this would clarify what needed to be done. In Britain the most important contributions, that is the most thorough, scholarly and widely read, were to come from an avowedly 'feminist' perspective.

**British Social Science and Feminism
at the end of the decade**

At the end of the 1970s social scientists in Britain began to contribute to the public discussion on violence against wives in earnest. There is no doubt the people carrying out the analysis referred to themselves as 'feminist'. The title and dedication of Rebecca and Russel Dobash's book on the subject attests to this. Its full title was: 'Violence Against Wives; A Case Against Patriarchy'; and it was dedicated to "all women who struggle

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individually and collectively against the violence and oppression from which they suffer." In the same period the Women's Aid Federation of England, with cooperation from the Department of Environment, also published a study of refuges and housing provision for battered women entitled 'Leaving Violent Men'.

The latter book elaborated the themes already well established amongst refuge activists; the need for more and better refuges and the long term housing needs of women who need to leave violent men. By this time this political strategy had a history of nearly a decade. However, Binney, Harkell and Nixon's study was an important contribution because it made the case in terms accepted as legitimate by social science, rather than the anecdotal and impressionistic manner in which refuge activists had previously made their case. This research report was drawn up in the traditional social science form, with details of sample selection, representativeness, interview schedules, graphs and tables. The concern was almost entirely with women's housing needs and the involvement of statutory agencies in catering to them. One set of questions were asked of women's experiences of the police which showed a very low level (64% of the sample deemed it not useful) of satisfaction with police intervention.

Most of the findings and recommendations centered around refuge provision for emergency accommodation and housing provision for the longer term. According to the study the number of refuges in England stood at about 150 at this time. These accommodated an estimated 11,400 women and 20,850 children per annum. At any given time approximately 900 women and 1700 children were housed in these emergency shelters. It was pointed out that the amount of refuge space available at the time (1978) was one sixth the level recommended by the Select Committee

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Report. Funding was seen to be a problem, with too few refuges existing on too little money. It was felt that the refuges had demonstrated the need for continued service and the recommendation was that new and more permanent funding arrangements should be arrived at. Long term housing needs were also assessed and it was determined that women suffering violence in the home who had need of refuge provision would go on to need permanent housing of their own. The survey showed that 43% of applications to councils for housing for battered women had been refused and where they had been accepted, long delays and further obstacles confronted women before they were rehoused. Only 44% of women leaving refuges were moved to Council property although twice that number had applied.³⁶

This particular research, which was begun in 1978 and not published until 1981 reiterates the points made by feminists active in the refuge movement from its inception. It was aimed at legitimating the strategy embarked upon by the women at Chiswick at the beginning of the decade and went a long way to establish the need for better and more refuges as well as raising the issue of the long term housing needs of women who needed to leave the men who batter them. In this way there is nothing new here. However, it was also one of the first attempts to articulate these concerns using social scientific terminology and in this respect it is a new development.

More powerful still was the 'case against patriarchy', articulated by Rebecca and Russel Dobash. Social science had intervened very dramatically during this period in the United States, as we shall see in the next chapter, but none of it had the analytical depth of the Dobashes' work. By the end of the 1970s a plethora of opinions on wife beating had

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emerged. The most prevalent way of thinking about the issue still dealt with it as a purely individual problem. The Dobash's work placed battering firmly within the context of the unequal power relationship between men and women bounded by matrimony and the expectations of a monogamous and heterosexual relationship. In this sense it is a 'feminist' work.

'Violence Against Wives' examined the experiences of one hundred battered women in Scotland. It also concerned itself with the practices of 'helping agencies' as well as the entire criminal justice system.³⁷ What emerged was a sophisticated understanding of battering. The Dobash's research depicts the violence as part of an ongoing process. They are not concerned so much with specific incidents, rather they show that violent relationships have a history. The interventions of the State, through 'helping agencies', housing agencies, the police and the the judiciary emerge as moments in that history. Slowly and painstakingly the case against Patriarchy is built up. The case focuses on the institution of marriage, propped up by organs of the State through agencies as diverse as the DHSS, the NHS, the police, the courts and local government. The analysis shows how these institutions form a self reaffirming chain which binds women in unequal power relationships in marriage, relationships all too often backed up with naked coercion. That chain is Patriarchy.

The Dobash's work broadened the feminist discourse on domestic violence considerably. One of the ways this was done was by gaining the cooperation of the police in research on violence within families. What had been, up to that point, largely undeveloped criticisms of the police were articulated in detail. In the light of their analysis the institution of policing was seen unfavorably. The police were merely a part of patriarchy as a

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whole. Their practices were shown to be of very little help to women victims of violent men. Indeed, policing practices were revealed as placing women at further risk, as actually contributing to the on-going victimization of battered wives. They based these claims on an examination of over three thousand official records of police interventions. Of course they did not limit their examination to the machinations of police officers. Other institutions, most notably the 'helping professions', were also examined. They too emerged as guilty parties.

'Violence Against Wives' represents the consolidation of the discourse begun at the beginning of the decade by refuge activists. In many ways it is a reflection of Pizzey's *Scream Quietly* in the mirror of social science. The key themes of: the massive prevalence of wife battery; details of the nature of the attacks; the psychological oppression; the long years that victims endure the torture; victims being re-victimized by the helping institutions; all are explored within the rubric of social-scientific investigation.

At this time in the United States developments in social scientific investigation were taking a somewhat different, although no less dramatic, turn. That, along with the vagaries of the American refuge movement, is the subject of the next chapter.

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- 1 Dobash R.E. and Dobash R. Violence Against Wives - A Case Against Patriarchy the Free Press © 1979
 - 2 Martin, D. Battered Wives. San Francisco: Glide Publishing, ©1976 pg.55 see also O'Faolin, J. and Martines, L. (eds.) Not in God's Image: Women in History. London: Virago 1979 pg. 55 and Okun, L. Woman Abuse: facts replacing myths. State University Press Albany N.Y. © 1986 pgs. 1-10. Potted versions of the long history of women abuse are almost ubiquitous in the literature. For example, it has been pointed out that the Jewish Book of Prayer contains the following prayer response for men: *Blessed art thou, O Lord our God, King of the universe, who has not made me a woman*. The author points out that "Judaism has survived for over 5000 years, and some of the ancient ideology of the dominance of men over women still remains." in

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- Bourlet A. Police Intervention in Marital Violence Open University Press Milton Keynes © 1990 pg.xi
- 3 The label 'Battered Wife Movement' is not contemporaneous with the refuge movement itself. It seems to enter the literature much later. see Currie D. Battered Women and the State: From The Failure of Theory To a Theory of Failure in The Journal of Human Justice Vol. 1 No. 2 Spring 1990 pgs. 77-96
 - 4 Coote, A. and Campbell, B. Sweet Freedom: The Struggle for Liberation Oxford, Basil Blackwell ©1982 pg. 1
 - 5 Freidan, B. The Feminine Mystique, Penguin, © 1976
 - 6 Coote and Campbell op. cit. pg. 5
 - 7 Pizzey, E. Scream Quietly or the Neighbours Will Hear, Penguin, © 1974
 - 8 I have primarily used Spare Rib Magazine to chart the developments in the refuge movement. Women's Aid and the other 'feminist' organizations which grew up around the issue of wife battery did not have a forum devoted exclusively to information on violence against women. Spare Rib is the only regular publication which contained information of the issue. Such violence was by no means the major concern of the magazine's editors, however. For example in the forty two issues published between July 1972 and December of 1975 there were twelve lengthy articles concerned with the issue, roughly one article every four issues. This is somewhat of an underestimation of the proportion of space devoted to 'wife battery', since it does not include letters to the editor, small advertisements from refuges seeking volunteer labour and short news bulletins. Taking these into consideration the coverage is a fairly constant feature of the magazine. Such coverage as there is, is also consistent and reflects of the major developments within the movement. As such it seems a reliable record of efforts of refuge activists.
 - 9 For the purposes of this content analysis I defined a 'major article' as being five hundred words or more. In practice this only excluded several letters from readers and small advertisements for volunteer help at shelters.
 - 10 op. cit. Pizzey, 1974 pg. 91
 - 11 op. cit. Pizzey, 1974
 - 12 Hansard, Written Answers, July 4, 1973
 - 13 Miller, N. Battered Spouses, The Social Administration Research Trust © 1975 pg. 54
 - 14 The vast majority of written works on battering have been written since the 1970s. In the post war period up until 1970 the social scientific work on wife battery seems to be all concentrated in the field of psychology. In the psychological literature of this period the subject appears under such topics of morbid or paranoid jealousy, homicide or sado-masochistic couples. Obviously all of them see the problem in terms of individual pathology. See: Komarovsky M. Blue Collar Marriage Random House New York © 1962; Snell, J. Rosenwald, R. and Robey A. "The Wife Beater's Wife" *Archives of General Psychiatry* No. 11 (August 1964) pgs. 107-112; Mowat R. R. Morbid Jealousy and Murder Tavistock Press London © 1966 Reynolds R. and Siegle E. "A study of case work with sado-masochistic marriage partners" *Social Casework* 40, pgs. 545-551.
 - 15 Feminists at the time greeted any efforts at 'reintegration' or 'preventative measures' with extreme cynicism. They pointed out that 'marital disharmony' is an economic problem; a drain on the public purse; a loss to employers of many working hours; so that representatives of statutory agencies have a vested interest in making things 'harmonious' again. If only to help

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people work more effectively and get all those separated wives off supplementary benefits.
(Spare Rib No, 81 April 1979)

- 16 op. cit. Miller, 1975 pgs. 40-44
- 17 Dobash and Dobash, 1979 op. cit.
- 18 Weekend Observer, 15th December, 1985
- 19 New Society, 28, June 1985
- 20 Representatives of the Women's Aid Federation never did engage in public debate with Pizzey. Sometime later she was to alienate herself from the issue entirely by introducing her theory of 'violence prone couples'. 'Prone to violence' because of chemical imbalances in the brain, a notion which did not fit in well with the discourse dominant within the refuge movement. Erin Pizzey has since moved to the United States and become a writer of popular fiction.
- 21 The National Women's Aid Federation had, by this time, its own modest resources for dissemination of information. This particular example can be found in: *Battered Women, Refuges, and Women's Aid-A report from the National Women's Aid Federation* 1977.
- 22 *ibid.*
- 23 This was not a central concern of battered women's advocates at the time. For example the 1975 Summer Issue of Socialist Woman reported on the attitude of police to battered women: "...They have a very unserious attitude to the whole problem, stemming no doubt from their view of the traditional role women should play. They treat battered women as a result of marital disputes unseriously. They do not consider it their business. They think it is a man's private affair." This article goes on to describe an assault that took place in a Leeds Refuge when an irate husband broke in and assaulted three people. According to the report it took the police 25 minutes to arrive and when they did they said: "Well he is not here now - nothing we can do." This did not prompt the author of the article to demand a more proactive response by police, rather, it served to drive home the message that representatives of the Patriarchal State could not, or would not, help either battered women or refuge activists. The author of this piece was particularly worried about the possibility that, as a result of the Parliamentary Select Committee recommendations, social service departments might take over the refuges and that activists could find themselves "swamped by the local authorities."
- 24 See the *Report of the Committee on One Parent Families* (Chairman: The Hon. Sir Morris Finer) HMSO, Cmnd. 5629, 1974
- 25 Brophy J. and Smart C. (eds.) Women in Law: Explorations in Law Family and Sexuality London: Routledge and Kegan Paul ©1985 pg. 76
- 26 *ibid.* pg. 78
- 27 On the 14th of January 1981 *The Times* also reported on the three month time limit. It was explained that in order to "assist in easing the burdens of the police who are holding thousands of order containing a power of arrest under the Domestic Violence and Matrimonial Proceedings Act 1976, the President of the Family Division has issued a Practice Note reminding judges that Practice Note ([1978] 1d WLR 11230 recommended that consideration should be given to imposing a time limit of three months on injunctions..." The Article goes on to explain that requiring police to retain such orders indefinitely imposes an "unnecessary burden on them." Further "experience has shown that the police are rarely called upon to take action upon an injunction which is more than three months old."
- 28 See: Freeman. M. D. A. (ed.) State, Law and the Family, Tavistock Publications, London © 1984; Binney V., Harkell G. and Nixon J. Leaving Violent Men: A Study of Refuges and Housing

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- of Battered Women, Woman's Aid Federation and Department of Environment ©1981 and; Parker S. "The Legal Background" in Private Violence and Public Policy J. Pahl ed. Routledge and Kegan Paul; ©1985
- 29 Parry. M. Cohabitation London Street and Maxwell © 1981
- 30 Maidment S. 'The Relevance of the Criminal Law to Domestic Violence' *Journal of Social Welfare Law*, 1980 pgs. 26-32
- 31 *ibid.* pg. 27
- 32 *op. cit.* Parry, 1981
- 33 See the Society of Conservative Lawyers' The Case for Family Courts, A Report by a Research Sub-committee for the Society of Conservative Lawyers 1978.
- 34 Freeman. M. D. A. (ed.) State, Law and the Family, Tavistock Publications, London © 1984
- 35 Binney V., Harkell G. and Nixon J. Leaving Violent Men: A Study of Refuges and Housing of Battered Women, Woman's Aid Federation and Department of Environment ©1981
- 36 *ibid.*
- 37 The Dobashs' work contained many specific findings. For example, their findings indicated that only about 2% of all domestic assaults are ever reported to the police. See: Dobash R.E. and Dobash R. Violence Against Wives - A Case Against Patriarchy the Free Press © 1979

*You act like you don't listen
Whenever I talk to you
You think that you ought to
do anything you want to do
You gotta be crazy baby
You just gotta be out of your mind
As long as I'm payin' the bills
I'm payin' the cost
I'll be the boss*

B.B. King

North American Developments in the Discourse

Introduction

The formal establishment of Chiswick Women's Aid in 1972 marked the beginning of a chain of events which were felt just as deeply in the U.S. as they were in Great Britain. Discussion of the problem of battered wives, and violence against women more generally, was to be international from the very beginning. In this chapter I want to discuss some of the developments in the American dialogue. Of greatest importance for the story is the input of social scientists. American researchers began to produce voluminous accounts of the phenomenon very early on in the decade, indeed, much more than was the case in the U.K.. While the efforts of social scientists were substantial, activity amongst feminist refuge activists, professional social workers and professionals in the criminal justice system as well as other state agencies was no less in evidence. It is necessary to give some indication of all of these developments if the later emergence of influential American innovations and strategies for action are to be seen in historical perspective.

The emergence of the problem in the USA

The refuge movement in the U.S. articulated similar concerns to that prevalent in the U.K.. There was a distinction made by many American activists which involved a radical separation between the State on the one hand and 'feminist activists' on the other. Betsy Warrior, one spokesperson who emerged for the American refuge movement, said in 1978 that "if you want to do things the respectable way there's so much that you can't do - you can't get a licence for this, you can't do that and if you always wait for a legal way you don't have the money for a lawyer."

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(Spare Rib No. 76 November 1978) However, refuges could not be squatted in the United States as they could in Britain. One of the first to be established in the U.S. was Transition House which was set up in Cambridge Massachusetts. It was established without help from the state or the federal government, instead the organizers solicited donations from private individuals. This was accomplished by sending mimeographed letters to, what was described as, the 'women's community'. Typical of the initial phases of any 'grass-roots' effort the pledges that came in were small. It was reported that some people sent only crumpled one dollar bills or coupons for free milk, while others donated furniture or old clothing. Some had only good will to offer, and letters of encouragement were often received and sometimes published also in mimeograph form. In this way Transition House managed to scrape together enough money to establish itself and an income sufficient to pay its rent without recourse to State funding.

However, state agencies were not slow on the uptake and by 1978 their influence was considerable, if not all encompassing. Some activists who had engaged in the movement from its inception viewed this negatively. As Warrior explained:

I have heard from groups and individual women in many parts of the country, who, on the brink of establishing their programmes for battered women, or having just received funding, find their work coming to a standstill through the interference of traditional institutions, government agencies or professionals. Though these agencies have shown little or no concern for battered women in the past, the smell of money is an overpowering incentive for them. Often they step in after all the hardest work is done and attempt to place their people in positions of control. Another tactic is to obtain thousands of dollars in funding to do a "study" to see if the problem exists or if a shelter is needed. If this

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money was simply used for a refuge, evidence of the need would be quickly demonstrated through use of the facility. (Spare Rib No. 76 November 1978)

At least some battered women's advocates were inclined to view the participation of state agencies with suspicion.

State bureaucrats and many social scientists were inclined to see things differently. It has been explained elsewhere that, as a consequence of the emergence of the 'New Deal' as a response by the State to the Great Depression, social science had taken on a special role in the U.S.. The State's involvement in 'social welfare' activities, principally with regard to unemployment, during the depression era marked the advent of applied social science in the formulation of public policy.¹ In the 1950s American policy and politics was further affected by the 'sciences' of psychology and sociology. There are many examples of previous projects inspired by applied social science. For example, based on such applied research The Warren Commission had concluded that the segregation of black and white school children detrimentally effected the former's educational development. This led to the decision to desegregate public schools and thereby afford equal opportunities to all children. The 1960s reflected a broadening of these trends in the application of, what Foucault referred to as, the 'soft sciences'. President Kennedy's 'War on Poverty' and the establishment of nationwide 'Head Start' programs in first half of that decade were the most obvious examples of this.

However, the use of social scientific knowledge was broadened in another way during the 1960s. As the decade progressed an emerging concern with 'effectiveness' shifted the focus of social scientific investigation. The shift meant that it was no longer sufficient to implement improvement programs and simply assume that they would

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work. The programmes of the 1960s also had to prove that response strategies had achieved pre-established goals. That is to say, not only did they have to work, they had to produce results according to cost-benefit indices. This was evidenced by President Nixon's Economic Opportunity Message to Congress in 1969 in which he cited the results of a Westinghouse Learning Corporation evaluation which showed that "the long term effect of Head Start appears to be extremely weak."²

It is in this context that the issue of violence against wives emerged, from feminist campaigns, as a concern for social science. It is interesting to note that the issue of child abuse had become an object for applied social science some ten years earlier, but in that instance the issue never entered the realm of public debate as a contested matter. Rather, the issue of child abuse emerged fully formed onto the public terrain straight from the discipline of psychology. As such, the issue was conceived of, from the outset, as a problem of individual pathology.

Explicitly feminist articulations of both wife and child abuse contributed to the growing realization that violence take its toll on family life and even raised some questions about the 'inherently violent nature' of the institution. Problems that had previously been seen as confined to the realm of the personal and private were put under close public scrutiny. Social problems that had emerged during the preceding fifty years and which had met with a State response, problems such as poverty and discrimination based on race and class, laid the ground for a widespread readiness to address yet another problem that had seemingly always been there: violence against women.

State agencies advertised their willingness to provide resources on which activists in the community could build. According to the perception

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of state officials federal funding could help put in place an infrastructure for managing the response to the problem. 'Grass roots' activists did not always see this as helpful. Funding changed the nature of the community response by professionalizing it. Further, such funding was not guaranteed in perpetuity. The worry of battered women's activists was that federal funding would lead to the establishment of a costly infrastructure dependant on government money. When that source of cash dried up so would the refuge network. The conflict between the perceptions of grass roots activists and State actors is evident in a letter to the Chairman of the U.S. Commission on Civil Rights (1978) reproduced on the following page in full.³

Precisely how much money was channelled into these efforts is uncertain. The secondary literature does not contain any figures and the records that I have managed to find are too patchy for me to offer an estimation. There is no doubt that the American government, through one state organ or another, put a significant amount of money and resources into dealing with 'battered women and families'. In 1978 the Civil Rights Commission Report listed 315 Agencies providing services specifically for battered wives. In 1983 another large volume aimed at compiling the sum total of services available to battered women, which also included papers contributed by some important social scientists working in the area, listed approximately 1300 such agencies. It would be a mistake to take these comparisons at face value because there is no way to ensure that these two lists are exhaustive. However, the fact that the 1983 compendium could contain four times more agencies than its counterpart half a decade earlier is an indication of substantial growth in the prevalence of institutionalized

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Feb. 3, 1978

Dear Chairman Flemming:

Thank you for the opportunity to participate in the Commission's Consultation on Battered Women. I believe it was a very productive session not only for the Commission, but for all who attended.

After discussing my presentation with Ms. Jeannie Niedermeyer of the Law Enforcement Assistance Administration, I think it important to clarify one point that, she tells me, might have been misunderstood.

LEAA has been responsible for funding excellent, innovative programs for victims and witnesses of crimes. LEAA funds such programs, like project Turnaround in Milwaukee, with the understanding that within a few years, local government will have to decide whether to continue the programs. Thus, when I emphasized that the securing of federal funds was only 'half the battle' and that such programs die without continued efforts by the advocates for battered women, I was emphasizing the need for efforts by the advocates in their local communities. It would be ironic if advocates for battered women scapegoated LEAA for the end of programs that would not even have begun without LEAA. If that point is not abundantly clear from the record of my remarks, I would appreciate the entry of this letter in the record of the Consultation.

Again, my sincere thanks to the Commission for its concern for battered women and families.

Sincerely

Charles B. Schudson

Assistant District Attorney

responses to what had, previous to the battered women's movement, only been experienced as an individual problem.

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This is important to remember in both the North American and British contexts and it needs to be reiterated. Contrary to the view propounded by the LEAA the issue of battered women was brought to light as a widespread social problem in the early years of the 1970s by the efforts of activists in the women's movement. Previous to their political activity, there was knowledge of the problem; knowledge held by a few specialists, usually in the medical and psychiatric professions and, perhaps, some awareness of the problem among police researchers. However, this knowledge never elevated the violence to the level where it could be viewed as a widespread social problem. It was seen instead as a problem of a few individuals, a pathology. Political activists who took women as their political constituency, that is feminists, elevated the violence to a social problem. They viewed their activity as political and it was very clear, to some of them at least, that part of the problem was the state agencies who had, for so long, been able to ignore the issue. Some feminists viewed state representatives as jumping on a bandwagon which feminism had made. The perception was that, not only were professional managers of the state jumping on the band wagon but, once on, they were inclined to change the music the band was playing. However, it is also true to say that some feminists felt that certain state organs could be used to redress the issue of violence against wives. They found a complex machinery that had been used to develop responses to earlier social problems ready for their use.

The efforts of those feminists will be discussed momentarily. Before doing that I wish to outline some of the differences between the conceptions of applied social science and refuge based feminists. One of the clearest indications of the different tunes people involved were playing

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is the issue of estimations of the size of the problem. For activists in the refuge movement, clear quantification was never a priority. For them, establishing refuges was the primary consideration, and any evidence that such facilities were in demand would be shown by the numbers of women coming to seek help. Representatives of government agencies thought differently and were unwilling to put money into programmes without answering a whole host of questions: why do men beat women; do women beat men; are its causes psychological or do they emerge from social conditions; why do women stay? The main issue, however, was the "size" of the problem.

In response to these questions a whole branch of social science, was built up to provide these answers to policy makers. As we have already seen, in Britain at the end of the 1970s systematic investigation into the problems of violence against wives was avowedly feminist in orientation. Accordingly, attempts to articulate the problem were built around the analytical category of 'patriarchy'. By and large these investigators, like the refuge activists themselves were committed to the strategy of refuge provision as the social response to the problem. Social scientists in the U.S., particularly those at the Family Research Laboratory at the University of New Hampshire, were not committed to such a strategy nor did they operate with the concept of patriarchy. Rather, they were committed to the research methods of an abstracted empiricism which had its own 'non-political' discourse.

American social science measures
the extent of the problem

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The dimensions of this 'social problem' were massive and it was during this period that the first estimates of the prevalence of violence in American households came to light. Some of the first efforts were put into looking at official figures in hope of developing an estimate of immediate demand for services. In 1979 Donna Moore listed some examples from official statistics as an indication of the scope of battering:

Kansas City, Missouri, 1976. The Police Department revealed that 90% of the city's family homicides had been preceded by at least one call to the Police Department, and in 50% of those cases the police had been called five or more times.

Washtenaw County, Michigan. Thirty-five percent of all assault cases are wife assault.

Dade county, Florida. Over a nine month period, 1,000 cases of battered women were handled.

Montgomery County Maryland, The Wife Assault Task Force handled 650 incidents during its first year of operation.

Michigan. One county reported 42.4% of all assault complaints in a five month period were wife assault.

Brooklyn Legal Services, 1976. Fifty seven percent of the women filing for divorce complained of physical assaults for approximately four years before seeking divorce.

Cleveland Ohio, 1971. Thirty-seven percent of females filing for divorce complained of physical abuse when filing.

Marvin E. Wolfgang studied 588 cases of criminal homicide in 1958 and concluded that 87% of all female victims were slain by males and 85% of female offenders slew males. The predominate reasons for such murders were sex, love and family matters. Wolfgang stated that slayings with excessive degrees of violence predominate in the home and are most likely to involve a spousal relationship in which the wife is the victim of the husband's brutal beating.

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Donald T. Lunde reported in *Psychology Today* in 1975 that approximately 40% of homicides in the United States are spouses killing spouses.

Nationwide estimates predict that up to 60% of American Families will experience interpersonal violence during the course of a relationship.

The latest study by Straus et al. found violence in 28% of all American Families. Leonore Walker estimates that violence occurs between 50% of all American marital partners.

Nationwide, the FBI estimates that wife abuse occurs three times as frequently as sexual assault, and they further estimate that it is reported less than 10% of the time. This would mean that wife abuse occurs approximately every 18 seconds somewhere in the United States.⁴

"The latest study" was the work of the Family Research Laboratory established at the University of New Hampshire in 1975. This work was quite possibly the most influential contribution to the public discourse on the problem since the 'discovery' of the problem by 'feminist activists'. Straus and his colleagues conducted a National Family Violence Survey 1975 which was the first attempt to use survey technology on a national scale to investigate violence in intimate family settings. This social scientific measure of the prevalence of the violence was more than just an estimation of the size of the problem. The work of Richard Gelles, Murray Straus and Susan Steinmetz and its impact on future developments can hardly be underestimated.

Straus' work begins with the assertion that 'wife beating' is a *political* rather than 'scientific' term.⁵ In order to cleanse his research of politics he eschewed such terminology and employed instead an invention of his own: the Conflict Tactics Scale. This is an ascending continuum of violent acts that includes:

- (1) Threaten to hit;
- (2) throwing, smashing, hitting something;

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- (3) throwing something at other;
- (4) pushing, shoving, or grabbing;
- (5) slapping;
- (6) kicking, biting, or hitting with fist;
- (7) hitting or trying to hit with something;
- (8) beating up
- (9) threatening with a knife or a gun; and
- (10) using a knife or a gun.

This instrument was employed on a "demographically representative national sample" of the American population in the mid-seventies and data were obtained to reflect the yearly incidence of violence perpetrated by men and women in a family setting.⁶ The rough estimate produced was that 1.8 million wives were beaten by their husbands per annum in the U.S.. At the time they stressed that their estimate was below the true figure. Curiously, when all of the data were examined women, as a group, appeared to be more violent than men. The researchers felt compelled to conclude that "the old cartoons of the wife chasing the husband with a rolling pin or throwing pots and pans are closer to reality than most - and especially those with feminist sympathies - realize."⁷

To paraphrase William Connolly, to examine and accept, or to examine and revise, the terms of a discourse is not a prelude to politics but a dimension of politics itself. The type of empiricism employed by Straus *et al* assumed an atheoretical and objective approach to 'reality'. The definition of the violence employed by Straus and his colleagues, which gained its most concrete form in the conflict tactics scale, was as hotly contested as any political term ever was. Leonore Walker pointed out, in response to Murray Straus' presentation before the U.S. Commission on Civil Rights that:

I disagree with Straus' definition of wife abuse. He limits battering behaviour to discrete units of physical abuse which is nice and neat for data

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collection as it is relatively easy to count broken noses and black eyes. But it is too narrow to permit real understanding of the problem.⁸

Walker was keen to introduce her own concept of 'psychological abuse' into the debate at this time. She wanted to widen the understanding of women's oppression beyond neat points of violence floating in a sea of otherwise normal family life, which could be counted, and show that acts of violence against women was part of an on-going cycle of violence. Objections to Walker's kind of redefinition have been made on the grounds that expanding the notion to include 'psychological violence' makes the term too elastic, that is it makes the scope of social problem too wide for effective intervention.

While it may be both fruitful and practical to delve into this debate, the point I wish to make is a different one. The 'scientific' definition of the problem put forth by the New Hampshire School turned domestic violence into 'incidents' and this had practical consequences for their conclusions. Faced with a counting procedure that showed women as more actively violent than men Straus and his colleagues were quick to conclude that the problem of 'domestic violence' is essentially about 'family violence'. Dobash and Dobash pointed out that "contentions of this nature make sense and doubtful sense at that, only if one adopts a definition of physical violence that is so gross as to be trivial, including everything down to the once in a lifetime shove or push."⁹

As it turns out the empirical findings of the researchers upholding the 'family violence' thesis did not even support their conclusions. Richard Gelles, a close colleague of Straus', conducted a study which was specifically designed to examine marital violence. His findings showed that husbands were much more likely to be violent than wives and a quarter of

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the violent husbands in his sample assaulted their wives on a regular basis. Some women in his study did strike their husbands, but there was an important difference between the types of violence used by men and women. Women seemed to use a rather restricted range of physical force (on the conflict tactics scale) whereas husbands employed a wide range of techniques and seemed more likely to use the more severe forms of violence. Gelles also found that men often used the threat of violence as a means of controlling their wives' actions yet such a technique was never employed by women.¹⁰ Dobash and Dobash had this to say about Gelles' research findings:

These results were quite interesting and we would argue that they point in an unequivocal direction, but unfortunately Gelles fails to grasp their significance. Although he emphasized that violence seemed to be a rather common occurrence in many homes, a frequently noted observation, he noted but failed to emphasize and understand the significance of a second and, to our minds, just as clear pattern: the use of physical force between adults within the family was not randomly distributed between husbands and wives but was systematically directed at women.¹¹

It hardly needs to be pointed out that, by using the analytical tool of 'patriarchy' and more or less committed to the strategy of the refuge movement, the Dobashes' were bound to be critical of the New Hampshire research which seemed so obviously antithetical to such an approach. However, one does not necessarily need to depend on this particular analytical category in order to arrive at these criticisms. The main problem with the research was that there was never any attempt by either Straus or Gelles to situate the object of their analysis in a social process. Their abstracted empiricism never took them much beyond the violent

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'incident'. They were criticized at the time, and the criticism still holds, for taking only a fleeting glance at a complex and on-going behaviour.

The studies reviewed here are evidence of the extensive efforts to gather quantitative incidence data. Many people questioned the need for this quantification. According to many battered women's advocates such a concern reflected a presumed need to know 'how much' when 'how much' was not really the problem. It was also pointed out that such research is expensive in terms of both time and money and did not directly contribute to establishing mechanisms for responding to the violence. Be that as it may, the application of the soft sciences in this way was inescapable. More importantly, in terms of the development of the issue, it had a very real impact on how the the problem was conceived and understood.

The battered husband syndrome the biggest mistake

Susan Steinmetz, a member of Straus' research team, created a world wide media storm in 1977 when she began to publish articles about "the battered husband syndrome" claiming that 250,000 American husbands were battered by their wives every year.¹² Steinmetz's research findings were the result of the application of overly abstract methodological assumptions. It is not exactly clear how she arrived at the estimation of 250,000 battered husbands. However, as Mildred Pagelow points out, it is likely that it occurred in the following manner:

"...From her Delaware sample of fifty seven intact couples with two children, Steinmetz identified four wives as victims of serious assault. Based on an estimated county population of 94,000 couples and converting to rates per 100,000, she calculated that this represented 7,016 female victims per 100,000

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population. Then comparing her own data against police reports of twenty-six cases of spouse assault (twenty four women victims and two men victims), and calculating that 'only about one out of 270 incidents of wife-beating are ever reported to the authorities', she concludes that although there were no husbands as victims of serious assault among the study population, in two of the cases reported to the police the victim was the husband. If the same degree of under-reporting was present for husbands, then one could suspect that 540 incidents (540/100,000) occurred in New Castle County during 1975.¹³

This may be how Steinmetz produced an estimate of the number of cases of husband battering despite the fact that she failed to find even one case of husband battering in her own "stratified quota sample of normal American families".¹⁴ Pagelow also pointed out that the table Steinmetz provided is both incomplete and inaccurate. Apparently, three categories of the most potentially dangerous types of violence ('beat up spouse', 'push down' and 'choke'), all of which were engaged in more by men than by women, were omitted. In addition the sample size Steinmetz provided seems to vary from publication to publication and with it the rate at which wives engage in 'pushing, shoving and grabbing' the only category of violence that wives exceeded husbands in.¹⁵

The divisive question of male versus female victims at that particular time affected efforts to increase the funding and provision of resources to female victims of family violence. At the Congressional hearings many witnesses carefully chose words describing battered women as 'battered-spouses' and substituted 'domestic violence' for 'wife-beating' in order that the social problem not be identified as a 'women's issue' and hence hamper their efforts.

Thus, it can be seen that the application of social scientific measures of 'the problem' not only tended to reduced the dominant conception of the

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issue to one of 'incidents', that is, moments of violence in an otherwise tranquil and normal existence, it also had the very real effect of purging questions of asymmetries of power between men and women from the discussion. Instead, gender neutral analytical categories, for example 'domestic violence', rose to prominence.

A problem for policing?

There was an awareness in American Police departments about violence behind closed doors at this time and the social sciences were applied here as well. The framing of the issue on this institutional site was as different from feminist conceptualizations of the problem as it was from that of the New Hampshire social scientists. From the police perspective such violence was an issue because operational police officers were directly enmeshed in its everyday reality. The awareness of the problem was documented from the FBI Uniform Crime Reports for 1974 which showed that one out of five police officers killed in the line of duty died dealing with violence between spouses¹⁶. Police research had documented the patterns of police responses to, what was termed 'family violence' calls. Parnas concluded that the Chicago Police received more calls concerning 'family conflict' than they did concerning murder, aggravated assault and battery, and all other serious crimes combined.¹⁷ A study by Field and Field of police and court dispositions in Washington D.C. revealed that of all the assault cases involving strangers or unrelated people, 75% resulted in arrest and court adjudication, whereas only 16% of all cases involving assaults in the family ended in arrest and trial.¹⁸ In addition in cases involving spouses the charges were invariably misdemeanours and not felonies. Studies in Boston and Chicago told similar stories.¹⁹

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Such statistics, showing a low likelihood of arrest in cases of 'family violence', did not prompt the implementation of arrest measures as formal policy, far from it. The experimental tactical innovations in policing at the time encouraged the use of mediation, that is getting the couple to 'talk their problems out', which in all likelihood actively discouraged the use of arrest. A highly publicized demonstration project teaching special counseling skills for 'family crisis intervention' was put in motion in during this period.²⁰ This approach, built around notions of 'family violence' and 'intrafamily murder' sought to intervene to help couples 'sort the problem out'. The idea of police using counseling techniques in instances of violence between spouses had much in common with the dominant thinking in social science at the time; that is, it was predicated on the idea of 'reintegration'. Arrest was not perceived to be a constructive option in this regard. A decade later the next generation of police researchers would be concluding the exact opposite, that arrest was the best option. Further, and perhaps curiously so, this realignment of policy in favour of arrest would not challenge the dominant assumption of 'reintegration'.

It should be pointed out that the police and shelter activists during this period were using quite different analytical categories for describing the nature of the problem. To the feminists the problem was a social one: 'wife battery', and the strategy was to help victims of violent men escape their tormentors. The police, on the other hand, were responding to individual 'family violence calls' and they needed techniques for calming down quarrels. Their tactics were based around mediation techniques taught to them by social psychologists. The two bodies of knowledge seem to inhabit different worlds. The words used have different connotations and, like the Red Queen in *Alice in Wonderland* said: "when you've said a

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thing, that fixes it, and you must take the consequences." Different words have different consequences.

American Social-Scientific Feminism

While Straus and Gelles were producing their research findings and the police were experimenting with 'social work' other social scientists, most of whom were women and all of whom attached to themselves the label 'feminist', were also contributing to the public discourse on the issue. Significantly, these women had either a background in legal studies or psychology. As such, they did not operate from a separate institutional site like the refuge activists, although they no less conceived of themselves as political activists taking women as their constituency. Their institutional connections were with the legal infrastructure and the social-sciences and they implemented a two pronged attack on the problem launched from these sites. This work had the label feminist attached to it, but it is evident that much of it was incorporated into the State sponsored research machine geared up to deal with identified 'social problems'. These feminist social scientists operated within the terms of discourse of already established intellectual communities, producing knowledge about the problem which also emerged at the Civil Rights Commission hearings in 1978.

The first line of attack stemmed from a social-psychological theory of battering, which itself emerged from questions like: what kind of men batter; why do women stay; what makes men stop battering; when do women leave?²¹ This line of questioning lead to the development of the 'cyclical theory of violence', the 'battered woman's syndrome' and the concept of 'learned helplessness'.²² The practical implications of this

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reasoning revolved around therapeutic techniques for 'treating' or 'curing' the violence. It was reported that "since an overwhelming characteristic of both partners seems to be a low level of self-esteem, we must devise means of helping each person realize that she/he is worthy of higher self-regard and better treatment from her/his partner."²³ In addition, men and women were to be taught alternative ways of relating to each other, rather than being dependant on traditional sex-role stereo-types. Leonore Walker explained:

The critical element here is to break the symbiotic bond. What we are dealing with are not two independent human beings. We are dealing with a relationship in which the two people believe they can only survive if they are together. What we have to do in psychotherapy is teach each one of them to be independent people, then they may be able to make an interdependent relationship. Until each one of them feels whole and able to stand on his and her own, they will not be able to do it, I disagree with the marital therapists who say that we must treat the relationship. I want to treat the individuals within the relationship so they can change the nature of the relationship to a healthy interaction between two healthy people.²⁴

In addition to psychotherapy for couples this model also pointed out the need for 'crisis intervention techniques' employed in refuges by trained professionals. Here again psychotherapy is seen as a way of restoring the self-esteem of battered women and counter-acting their 'learned helplessness'. This can be contrasted with the views of shelter activists in Great Britain. At that time, British refuge activists were concentrating on 'self-help', 'group discussion' and 'collective decision making' in refuges as a means for helping women to acquire the necessary skills and wherewithal to deal with the world after leaving a violent

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relationship. This strategy could not generate a concept like 'learned helplessness' since it depended on the efforts of victimized women to overcome their own problems with the help of other women who had had similar experiences. The view propounded in the United States, grounded in the practice of clinical psychology which, in turn, produced notions of individual pathology, constructed the issue as one involving cases of abuse. In the United States many feminists were concentrating on finding ways of making the established professional practices of psychology respond to the needs of battered women, rather than developing alternatives outside of the already existing infrastructure.

This is similar to the second prong of attack made by feminist social scientists at this time. This line of reasoning emerged from questions about the nature of criminal justice intervention. It was reasoned that society as a whole would not take a negative view of wife battering until it was perceived as it should be - as a criminal offence:

...the public must begin demanding that domestic violence be taken seriously by those in law enforcement: police officers must make appropriate arrests; district attorneys must learn how to take these cases to court and win; judges must give reasonable sentences to men convicted of battering; and legislators must work with both law enforcement personnel and women's advocates to write new and effective legislation regarding programs, civil law and criminal law which police, district attorneys and judges can then implement.²⁵

That was the strategy. The tactic was to use the law against the criminal justice system in order to force it to adapt its practices to the perceived needs of battered women. This resulted in two class action suits against police departments being put under way in the mid-1970s. One of

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these was in Oakland California. The other, in New York, also included legal action against the Family Court System. Both police departments lost motions in court to dismiss the actions and, in July 1978, agreed to make basic changes in departmental policy regarding handling domestic violence incidents.²⁶ The triumph was that domestic violence would be treated according to the same criteria used in assessing other assault cases. Domestic violence had been 'criminalized'. Eva Paterson explained that this was essential because men would not cease to batter their partners unless such violence was perceived as a crime. She explained that the civil law could be used to address the violence. However, the police were responsible for enforcing any court order which might come from a civil suit and, unless police officers were taught that it was a criminal matter they could not be depended upon to protect women. She maintained that "if the police continue to view domestic violence as a civil matter, the civil remedies available to the women (such as obtaining a temporary restraining order) will remain ineffective and the woman will be unprotected."²⁷ Feminist lawyers also viewed these court battles as propaganda victories, one such lawyer noted that "litigation can be used for social change. It is not a change agent in itself but rather a public relations tactic that gives the movement power to negotiate."²⁸

North American Trajectories

While various experts argued about who was being victimized by what violence, to what degree and to what extent, notions of 'domestic violence' as 'incidents' or 'cases' became entrenched in the discourse. This was the general trajectory assumed by applied social science in developing

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understandings of the issue. The trend was exacerbated by the discovery of the battered husband syndrome, simply because the most convenient way to refute observations like Steinmetz's was to count incidents and show that she got it wrong. The view of the problem as 'incidents of violence' was so entrenched that Straus, in response to feminist criticisms, could say that "there is a need to go beyond the cross sectional survey approach represented by the study," and get "at the processes within marriage which produce violence" and yet still persist in measuring incidents of violence.²⁹ Despite his own caveat, Straus, along with Gelles and Steinmetz, went on to promote the notion of 'domestic violence incidents' in many subsequent research endeavours. This is their most lasting contribution to the public discussion of the problem.

The alternative approach that emerged, which attempted to examine the processes within marriage which produced violent relationships, was also limiting but in a different way. These social-psychological models produced a 'cycle of violence' thesis and the notion of 'learned helplessness'. Within the confines of this paradigm women victims of violent men were perceived of as in need of 'protection' and 'treatment'. When the American Family, so long viewed as the place where people could retreat for safety, love and solace, was revealed, by social scientific surveys, as an institution of violence the effect of making 'cases' of wife abuse problematic was to preserve the myth of the home and pathologize certain violent relationships. The ideal was held up of a home in which women and men, as autonomous individuals, participate equally in problem solving. The problem became one of redefining acceptable sex-role behaviour for both men and women so that it would not be a man's prerogative to beat his wife and it would not be a woman's duty to stand

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by her man, even if he treats her badly. Thus, treatment could also be conceived of as 're-education'.

Accordingly, refugees were seen as a very small part of a wider institutional response that was to resuscitate those problem families. Police officers, district attorneys, counsellors, shelter workers, welfare workers, ministers and priests, all were considered to be part of the solution to the problem. Contrast this with the view from within the 'shelter movement' which operated within the confines of a much different discourse and which resisted being incorporated as part of an overall solution. The basis of the practice of the battered women's movement remained the idea that women had to participate in overcoming their own subordination; they had to be 'empowered'. The police, welfare agencies, the legal profession, the legislature and the family unit were viewed as integral parts of patriarchy and as such could not be depended on to empower women. The refuge movement, comprising women activists, non-hierarchical and collective in management, was conceived to be outside of the Patriarchal State apparatus and to offer the only radical alternative for addressing the violence.

As we shall see in the chapters that follow, the situation in Canada was somewhat different from either that of the U.S. or the U.K. In discussing the development of the victims of crime initiative in Canada, Paul Rock has related the importance of the 'women's movement' in spurring the victims' initiative forward. As he explained "women were politically consequential in a setting which contained no other corporate representatives of the victim."³⁰ Rock goes on to observe that the women's groups consulted were not designed to support the interests of victims as a whole, rather, they were refuge activists. As such, and in common with refuge activists

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elsewhere, they did not necessarily see the criminal justice system as a forum for their activities. Activists concerned with battered women did however, lend cooperation to State sponsored schemes, although such cooperation was debated specifically within the terms of a radical separation between 'the State' and feminists who operated in what was variously conceptualized as 'the Community' or simply 'Society'.³¹ Some Canadian feminists sought to 'work within the system' others were more combative. This ambivalence did not stall progress and there was a vigorous growth in refuge provision in Canada at the turn of the decade. The evidence seems to indicate that the Canadian articulation of this issue managed to tread a fine line between the version of battered women's advocates, which stressed the fundamental need for refuge provision as a primary resource for victimized wives, and the versions of the soft sciences which sought a broader based 'reintegrative approach'.

Conclusion

This chapter overviews the various conceptualizations and changes in ways of talking about the issue of violence against wives in North America during the 1970s. The significant growth in knowledge production about the issue of wife battery in the United States during the late 1960s and through the 1970s is very evident. An annotated bibliography on violence in the home published in 1974 listed 190 publications, of which 88% were published after 1965 and 41% were published after 1971. The trend continued unabated and by 1987 the Family Violence Program at the University of Texas (functioning as a national clearing house in the U.S.) listed some 1500 articles in its directory.³²

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More significant is the changing nature of the social response to the problem during this period. Initially 'domestic violence' intervention strategies, such as crisis hotlines and refuges, were aimed directly at the victim. In 1972 the first shelters for battered women were established in the U.S. By 1978 the United States Department of Justice listed 310 shelters and/or services for battered women. Five years later there were about 700 shelters listed in national directories.³³ However, in 1981 the Family Violence program at the LEAA, which helped to establish many programs, was ended less than five years after it had begun. Previous to that, in 1979, it had changed its funding priorities and encouraged programs for battering men, rather than for battered women.³⁴ This shift can be seen in both the North American and British contexts and it will be the task of the following chapter to trace these developments.

Then too, the interest of social scientists researching in the area of police policy and practice had been piqued. The development of a discourse on domestic violence based around the categories of police managerial professionalism could never have been predicted by Erin Pizzey or, indeed, any other member of the refuge movement, and yet this was to have profound consequences for how many people thought about the issue. This theme will be an important part of the next chapter.

1 Rossi P.H. 'Testing for Success and Failure in Social Action' in Evaluating Social Programs, P.H. Rossi and W. Williams eds. New York; Seminar Press © 1972

2 Willaims W. and Evans J.W. 'The Politics of Evaluation: the case of Head Start' in Evaluating Social Programs P.H. Rossi and J.W. Evans eds. New York Seminar Press © 1972 pg. 247 It should be said that although the Head Start Programs were severely cut back as a result of these public pronouncements the problems of poverty, equality of opportunity, and social justice did not disappear. Evaluations of Head Start continued long after it's time and there is some indication that the Westinghouse evaluation undervalued the impact of Head Start. See: Saxe L. and Fine M. Social Experiments: Methods for Design and Evaluation, Sage Press, Beverly Hills California
© 1981

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- 3 Contained in the United States Commission of Civil Rights Report Battered Women: Issues of Public Policy. published by the U.S. Commission on Civil Rights, 1978 pg. 371
- 4 Listed in Moore D. (ed.) Battered Women, Beverly Hills Sage Publications ©1979
- 5 See: Straus, M.A. "A General Systems Approach to a Theory of Violence between Family Members." *Social Science Information* 1973, 12 (3): 105-125; "Leveling, Civility and Violence in the Family" *Journal of Marriage and the Family* 1974, 36 (Feb): 13-29; "Sexual Inequality, Cultural Norms and Wife-Beating." 1976 *Victimology* 1 (Spring): 54-76; "Wife Beating: How Common and Why?" 1978 *Victimology* 2 (3-4): 443-458
- 6 There are some questions about the representativeness of the sample collected. The population of adults selected for the sample was chosen from intact families only and with no children under the age of three. Thirty-five percent of the sample refused to be interviewed or could not be reached. The authors conclude that their estimate was very likely an underestimate.
- 7 op. cit. Strauss 1977
- 8 op. cit. U.S. Commission on Civil Rights 1978 pg. 212
- 9 Dobash R.E. and Dobash R. Violence Against Wives - A Case Against Patriarchy the Free Press © 1979
- 10 See: Gelles R.J. The Violent Home: A Study of Physical Aggression between Husbands and Wives Sage Publications Beverly Hills © 1974; "Abused Wives: Why do They Stay?" *Journal of Marriage and the Family* 1976, 38 (Nov.): 659-668
- 11 op. cit. Dobash and Dobash 1979 pg. 18
- 12 Steinmetz, S.K. "The Battered Husband Syndrome" 1978 *Victimology* 2 (3-4): 499-509
- 13 M.D. Pagelow "The battered husband syndrome: social problem or much ado about little?" in *Marital Violence* N. Johnson ed. Routledge and Keegan Paul © 1985
- 14 op. cit. Steinmetz 1978
- 15 op. cit. Pagelow 1985
- 16 United States Commission of Civil Rights; Battered Women: Issues of Public Policy. published by the U.S. Commission on Civil Rights, 1978 pg. 8
- 17 Parnas R. "The Police Response to the Domestic Disturbance" *Wisconsin Law Review* (Fall) 914 (2) 1967
- 18 Field M.H. and Field H.F. "Marital Violence and the Criminal Process: Neither Justice nor Peace," *Social Service Review* 1973, 47 (2): 221-240
- 19 Black, D. "The Social Organization of Arrest." *Stanford Law Review* 1971 23: 1087-1111
- 20 Bard, M. "Family Intervention Police Teams as a Community Mental Health Resource." *Journal of Criminal Law, Criminology, and Police Science* 1969, 60 (2): 247-250
- 21 Moore D. (ed.) Battered Women, Beverly Hills Sage Publications ©1979
- 22 Walker L. E. The Battered Woman, Harper and Row Publishers New York N.Y. © 1979 Walker did not invent the concept of 'learned helplessness', rather, it is an adopted concept from clinical psychology. See: Seligman M. Helplessness: on depression, development and death, Freeman Publishing San Francisco Calif. © 1975. The concept was generated out of an experiment involving submitting electric shocks to caged dogs at random intervals. This perverse Pavlovian experiment showed that the dogs rapidly learned that no matter what response they made, they could not stop the shock. This resulted in them becoming passive and submissive accompanied by the eventual loss of the will to live.
- 23 op. cit. Moore 1979 pg. 11 Note the 'gender neutral' language. As has been explained, this apparent neutrality came about as a result of the 'battered husband syndrome' at this time.

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- 24 op. cit. Walker 1979 pg. 33
- 25 op. cit. Moore 1979 pg. 5
- 26 Woods L. 'Litigation on behalf of battered women' *Women's Rights Law Reporter* 5 (1) 1978 pg. 7 NB: Legal action such as this was not possible in Great Britain.
- 27 op. cit. Moore pg. 82
- 28 This quotation came from an unidentified 'feminist lawyer' and is cited in: Schechter S. Women and Male Violence: the visions and struggles of the Battered Women's Movement Pluto Press London, © 1982 pg. 160
- 29 op. cit. U.S. Commission on Civil Rights, 1978 pg. 164
- 30 Rock P. A View from the Shadows Oxford University Press © 1986 pg. 210
- 31 Ursel J. E. 'Considering the Impact of the Wife Abuse Movement on the State: The Example of Manitoba' unpublished paper presented at the Canadian Association of Sociology and Anthropology Meetings - Victoria, 1990
- 32 Blackman J. Intimate Violence - a Study of Injustice, Columbia University Press New York © 1989 pg.22
- 33 Warrior B. Battered Women's Directory (8th ed.) Cambridge Mass. 1982, 46 Pleasant St., Cambridge MA 02139
- 34 op. cit. Blackman 1989

*Well I'm a talkin' 'bout the midnight Rambler
Leave his footprints up and down your hall
Yes I'm a talkin' 'bout the midnight gambler
The one you never seen before
I'm talkin' 'bout that cold fandangler
did you see him jump your garden wall
I won't give a hoot or a warnin'
I'll stick my knife right down your throat
'til it hurts*

Mick Jagger

The Slow Translation of the Issue

Introduction

It is not possible to consider the issue of violence against wives or, indeed, the development of the women's movement more generally in the British context, without coming to terms with Peter Sutcliffe. The press and electronic media christened him the 'Yorkshire Ripper' and his image galvanized the women's movement. As a result the entire issue of violence against women was heated to the boiling point. This is evident from the changing intensity and nature of women's protest about violence against women. In September of 1977 Women's Aid had organized a 'week of action' which culminated in a march by 1500 women through Birmingham city centre. It was a happy occasion, the activists "shouted and sang" in protest demanding more refuges, houses and financial independence.¹ (Spare Rib No 64 Nov. 1977) It received some media attention, but not much. Three years later the street action by 'feminists' was much louder and they were not singing. One account described:

Going to work on Friday morning, December 12, was a real treat. All over north London, where I live, graffiti had appeared overnight on walls, doors and billboards showing that angry women had been there. At work we started to hear about actions Women Against Violence Against Women groups had taken elsewhere: paint-filled eggs thrown at eight cinema screens in west and south London, porn shop doors glued together in Manchester, subways spray-painted in Coventry ...And women in Leeds, Cambridge, York, Sheffield, Brighton, Central London, all organized their own actions for the two days, December 11 and 12, arranged at the Sexual Violence against Women conference held three weeks previously. (Spare Rib No. 103, Feb. 1981)

Of course, 'feminist' action was again getting national media coverage as they got progressively more militant.² It seems to me that two factors

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relate to, what might be euphemistically referred to as an 'intensification of protest'. One is the Sutcliffe killings, which were prominent in the consciousness of the whole nation.³ The other is the simple fact that the activists were getting such little cooperation in establishing an infrastructure of support for victims. It will be recalled from chapter two that negotiations between Town Halls and refuge activists for refuge sites were very often turned into issues about the illegal squatting of council property. Whether or not activists were too hasty in their demands is a contested issue. The evidence indicates to me that there was recalcitrance on the part of local government officials which prompted the use of 'direct action' by activists which led to a downward spiral in the relationships between the two organizations.

The broad movement was strong during this period. It was divided, but still capable of organizing large conferences.⁴ The conference in 1980 where the guerrilla graffiti attacks were planned had 500 delegates, making it about as large as gatherings for many professional associations. More conferences of similar size were held in 1981 and 1982. An examination of the available records of those meetings reveals that the issues had broadened somewhat. Those discussed included: violence against women in the home, rape, rape in marriage, incest, sexual harassment at work, pornography, fashion as violence, language as violence, child sexual abuse, gynaecology as violence, psychiatry as violence, prostitution and a host of others. There were debates within the movement at this time. Hyphenated 'feminisms' began to proliferate; 'socialist-feminists', 'radical-feminists', 'Marxist-feminists', 'liberal-feminists' and others all contributed to the discussion, making for a confusing array of ideological labels and competing explanations.

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However, the broad issue of violence against women overlapped all of these ideological boundaries. A great deal of 'direct action' under the banner of 'Women Against Violence Against Women' was carried out, but this 'direct action' was not linked to refuge provision or, necessarily, to material support for victims of violence in the home. For example, a theoretical link was made between pornography and male sexual violence which made cinemas and shops retailing such material 'a legitimate target'. 'Direct Action', went beyond sensationalist attacks with paint filled eggs and glue, however. It included more legitimate forms of political action such as letter writing campaigns to advertisers, public protests and petitions. All forms of violence against women were considered to be connected. Thus, self-defence courses for women, the establishment of refuges, campaigning against the pornographic representation of women, and for the reform of rape law as well as a variety of other concerns were all considered part of the same package. Most importantly, the activists were concerned to use the media to get the message across. The conferences held were not places to idly discuss feminist theory. They were intended to provide a forum to plan action, and plan they did. It is worth considering what came out of these efforts.

Pornography was especially linked with the Sutcliffe murders and many public demonstrations against cinemas and shops were organized. Several serious confrontations with the police resulted from some of the larger demonstrations in the last months of 1980. In Bradford on November 27 eleven women were arrested (but not charged) for handing out leaflets outside a cinema showing a film entitled: *Violation of the Bitch*. The next night in Lewisham a march to protest a sex-murder ended outside a 'porn' cinema, culminating in ten arrests, some of which were for

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'assaulting a police officer'. The physical confrontation was acute. On December 12, three hundred women protested about sex and violence films being shown in the Leicester Square area, passing out leaflets linking pornography with the ripper murders. Here again the confrontation was unpleasant. Police drove a van into the crowd of women in order to disperse them and nine arrests were made. In those two months almost 50 women were arrested at such demonstrations around the country. (Spare Rib No, 103 Feb. 1981)

Prostitution campaigns were also linked with the Sutcliffe murders, partly because of callous statements made by police officers in the press. "The problem at first", the public was told, "was that there wasn't much public sympathy for dead prostitutes." (The Sunday Mirror, May 10, 1981) An Assistant Chief Constable explained that the Ripper made a mistake "...Miss Whittaker, a building society clerk, was a perfectly respectable girl." (Spare Rib No. 83, June 1979) The press often casually reflected the police view, for example one editorial stated that:

"The police do deserve a measure of sympathy over the overwhelming task they faced, the major problem during the early years being apathy over the killing of prostitutes. Even the horrifying death of Jayne MacDonald, an entirely respectable young shop assistant, scarcely improved the situation." (The Times, May 23, 1981)

Prostitutes themselves did not share these sympathies and were organized to make their position public. They addressed the Metropolitan Police Commissioner in an open letter.

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To the ripper and to the police prostitutes are not decent, we are not "innocent victims". What are we guilty of to deserve such a death? 70% of prostitute women in this country are mothers fighting to make ends meet and feed our children. But because we refuse poverty for ourselves and our children, we are treated as criminals. In the eyes of the police we deserve what we get, even death. (Press statement from the English Collective of Prostitutes, January 1980)

One of the more notable, and contradictory, developments of the Ripper phenomenon was the 'criticism' of sexualized violence offered up by the tabloid press. Feminist analysis at the time devoted a lot of attention to assessing the role of the media. What were they to think when the News of the World called for the banning of films 'depicting violence with sexual undertones' right next to a headline shouting:

DINNER TABLE SEX PARTIES OF THE FIREBOMB TYCOON

The July 9, 1979 issue of *The Sun* contained a condemnatory article about the serial murders. It was illustrated with posed shots of women lounging provocatively under street lamps. The caption read: DOLLED UP ... for a date with death?

Women who wanted to make connections between sexual violence and the commercial press could easily find concrete examples:

Sutcliffe's killings not only terrified the women who lived in West Yorkshire; they unsettled the sexual feelings of both sexes all over England. As Anthony Storr says in his book *Human Aggression*, "male's sexuality, because of the primitive necessity of pursuit and penetration, does contain an important element of aggressiveness; an element which is both recognized and responded to by the

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female who yields and submits. (The Observer, May 24 1981)

Analysis of the role of the media was critical and it was explained that "within our conventional sexual mythology it is written that while it is unreasonable for a man to give in to his wish to molest, attack, rape and bash to death the nearest nubile female, it is reasonable for him to harbour the desire." (The New Statesman, Dec.19, 1980)

Novel forms of 'direct action' for responding to specific instances of violence against women were considered at this time. One such method was 'confrontation'. There is no way of knowing how many women used this tactic if, indeed, it ever was used. However, it was discussed at a Women Against Violence Against Women conference in 1981. The tactic involved identifying a particular male who was guilty of some form of sexual violence, anything from rape to sexual harassment, and literally confronting him in a large group. An account of this method being used was given at the conference. It involved a man who had molested a young girl. She had told her mother of the molestation and the news spread amongst her neighbours and friends. It was decided that something should be done about the man's attack, but the women involved were reluctant to involve the criminal justice system. Instead, they banded together and literally confronted the man on his own doorstep. Half a dozen women, including the young girl who was molested and her best friend, delivered a scripted speech stating their thoughts and feelings about the harassment. This was done with the knowledge of the perpetrators wife, although not in her presence. The conference discussion on this method of 'direct action' made it clear that it was considered to be non-violent. It was stated that "confrontations must be non-violent; it must not be a mimic of the assault - taking power by violence or violent

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threats."⁵ It was suggested that this tactic might be useful in cases of wife abuse, although it was acknowledged that this might not always be the case. What this demonstrates is that, in the midst of a panic provoked by the Sutcliffe sex-murders many activists were willing to consider novel forms of intervention and not simply evoke the criminal justice system as a form of revenge and, further, 'direct action' was conceived to be a good way of preventing recidivism.

Non-violence was not always the rule, however. In the climate created by the ripper murders it was to be expected that some campaigners would call for more extreme measures. On this point it is important to be clear. Initially the ideological position staked out by most feminists was based on direct and collective action and non-violence. Although the philosophy of non-violence was not always made explicit, the documentary evidence suggests that punitive action against individual men guilty of violence against women was not on the agenda. The women involved simply did not discuss such alternatives. Certainly the documentation of the refuge movement in its first decade is notably lacking in such references.

At the turn of the decade things were beginning to change and it was announced:

BRING BACK THE ROPE CALL BY WOMEN

Bradford's Red Light girls demanded the return of the death penalty. Spokesman Rose Ferguson, 27, said: "Hanging should be brought back...If men like Sutcliffe knew that they might hang they would think twice"...In Leeds, a spokesman for Women Against Violence Against Women said: "We have experienced years of stomach-churning fear because of this animal. but he's not the only one - he's just the most notorious...we want

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action now, to stamp out the growing tide of violence. (News of the World, May 24, 1981)

There was a confusing array of feminisms by the turn of the decade. There was no single infrastructure which provided both information about violence against women and a service to women victimized by male violence. In the climate of fear, and perhaps hatred, generated by the Sutcliffe sex-murders vocalization of the issue of sexual violence became, at least at times, a shrill cry. The demands of refuge activists for the provision of extensive accommodation for women who needed to leave their homes because of violence had not met with any success and the confrontational tactics adopted by the Women's Aid Federation to assert their demands in the Town Halls got them branded as 'too extreme'. As the issue of 'sexual violence' exploded beyond the confines of the refuge movement those accusations of extremism were fed. In the next section we will look at this dynamic.

The refuge movement 1981-1985

In the early 1980s the refuge activists were cognizant of the fact that attempts to address the problem with new legislation were not working. The Housing and Homeless Persons Act, the Domestic Violence and Matrimonial Proceedings Act, and the Domestic Violence and Magistrates Court Act were all seen as flawed in their implementation.⁶ According to women surveyed in refuges the response by all state agencies to their requests for help was quite poor. Women reported that agency personnel from Housing departments and the police responded to their complaints with disbelief, often stating that their requests for help were either turned

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around on them, making them into the guilty party, or interpreted as an exaggeration.⁷

Only the refuges were seen to be meeting the immediate needs of battered women. The provision of refuge accommodation together with pressure on statutory bodies to implement existing laws was undertaken by the refuge activists. The Women's Aid Federation (along with the few unaffiliated 'independent' refuges) was the only agency attempting to enable women to leave violent men permanently. This attempt was carried out in a harsh political environment which did not make it easy to achieve such operational goals. But there were also tensions within the movement.

It was reported at the Women Against Violence Against Women conference in 1981 that, first and foremost, Women's Aid groups provided Refuges: safe houses for women and their children where they could get away from the violence and contemplate the options available to them. There are many questions that a woman in such a position must answer for herself and the speaker, from Lewisham Women's Aid, said that refuge activists have to devote a lot of energy to giving practical assistance. That meant helping to initiate divorce proceedings, apply for custody of children, obtain supplementary benefit, get on housing lists, obtain injunctions and many other avenues of action. Activists also had to make attempts to keep in contact with women who elected to go back to their men or, in cases where women had applied and obtained injunctions, volunteers had to be organized to stay with the women returning to the matrimonial home to provide assistance when there were problems getting the law enforced.⁸

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Much time was spent by activists in Women's Aid negotiating and dealing with agencies and official bodies; the DHSS, Housing, and Social Services, both on a local and national level. This led to allegations of reformism. This tension between 'reformism' and 'radical action' was very real. The philosophy of the movement was radical, but the practical day to day activities immediately involved them in an area which already involved social workers, the police and doctors. Activists dealing with the practicalities of helping battered women had to address the personnel of these agencies in order to get them to acknowledge that women are the victims of violence in the home and that the attacks should be taken seriously. The image they were fighting was that such violence was just an individual family or woman's problem.

However, to at least a very vocal minority, the activities of Women's Aid were seen as a part of the fight against male violence more generally. To these women the refuge movement was a stepping stone to a society without male violence. They were not so concerned with the immediate response to particular women's needs, although that was important, rather they were interested in creating a social movement which could tackle all men's violence. The label 'violent man' seemed inappropriate to these women, since it was perceived that all men benefit from and aid each other in controlling women. This was true for all kinds of 'aggression', from 'sexist' jokes to the most heinous acts of violence.

None of this changed the fact that Women's Aid was dependant on agencies for funding and resources. Some of their members vilified such agencies as the 'male establishment'. This created conflict because it was difficult for activists to appear 'efficient' and 'credible' in terms that State agencies they had to negotiate with could understand. Women's Aid was

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collectively organized, the power to make decisions was diffused throughout the network which meant that social workers or housing officials wanting to talk to 'someone in charge' were often confronted with what they perceived to be a 'militant group'. This led to charges that the activists were uncompromising, aggressive and difficult to liaise with. To appear efficient and credible was to be able to submit detailed budgets, properly audited accounts and development plans to government bodies. The fact of the matter is that most of the activists put no value on such skills seeing them as tangential to the matter at hand, which was to provide an infrastructure of support for victims of violent men. It is also an open question as to whether the activists had the necessary book-keeping and business skills to conform to these prerequisites.

From the outside Women's Aid was perceived as too 'radical', on the inside it was racked by criticisms of 'reformism'. All the while, the momentum that had been built up in the early years was being lost. By the mid-80s there were two hundred refuges nationally. The peak had been reached. The growth in services, which had been marked in the mid to late-70s, was choked by lack of provision from the State and by debate from within the movement itself. It was during this period that Erin Pizzey, who was outside of the Women's Aid Federation but continued to run Chiswick Women's Aid, announced her theory of 'violence prone women'. Her pronouncements on this issue, in contrast to the radical 'anti-man' stance of some feminists, exemplifies the wide range of views expressed by battered women's advocates at the time.

Very little money was placed in the hands of refuge workers and this also had its effect. The annual budget for Women's Aid in England during this period was only £100,000 which was barely enough to maintain

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existing facilities never mind expand them. Refuge provision still stood well below the recommendations made by the Select Committee in 1975 of one refuge space per 10,000 population. In order to fulfil this recommendation it was estimated that there would need to be 982 refuges nationally. In addition to inadequate provision of refuge space the refuges that did exist were being acknowledged as overcrowded and squalid.⁹

Feminist social science

While the movement lacked material resources feminist social scientists were providing increasingly detailed studies of women's victimization and their needs. One such study, undertaken by Jalna Hanmer and Sheila Saunders was dedicated "to women in prisons everywhere who are locked up for murdering violent men."¹⁰ These researchers were profoundly effected by the Sutcliffe slayings and their research was an attempt at capturing women's experience of male violence in its most general sense. This particular study also paid special attention to what the researchers regarded as the special methodological requirements of studying violence against women. A distinction between 'feminist' and 'conventional' research methods was made, the latter being seen as wholly unsuitable for such a task.

There was at least some truth to these claims. Conventional research into crime victimization had relied on the victim survey, asking victims directly about their experiences of crime. The 1982 and 1984 surveys of England and Wales showed very low rates of reporting of violence against women.¹¹ In the 1982 survey only one rape (attempted) was reported. The 1982 Scottish crime survey also noted that few cases of sexual assault were disclosed to survey interviewers.¹² Home Office survey researchers

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readily admitted they had problems in obtaining any information about sexual assault and domestic violence.¹³

In contrast with the efforts of State sponsored crime surveys Hanmer and Saunders' study revealed a great deal of victimization. The differences in the approach to data gathering are evident from the start. For example, rather than trying to obtain a random sample, or a snowball sample, two accepted sampling procedures, they decided to interview every woman on seven adjacent streets. This was considered unorthodox by most survey researchers and, to some, not even 'scientific'. Such objections aside, the researchers reported a refusal rate of only 16% and they managed to carry out 211 in depth interviews with women about their experiences of violence.

The researchers were also concerned about a particular aspect of the survey form. This type of information gathering turns criminal victimization into distinct incidents; with a beginning, an end, and limited in space and time. Hanmer and Saunders' thinking on domestic violence, and violence against women more generally, meant that they were concerned to capture women's experience of violence as a continuous process. This is problematic for structured interviewing techniques since violence is not so easily defined when it resembles enduring conditions rather than particular events. Accordingly, while an interview schedule was designed, interviewers were trained and encouraged to take down any details that women might want to give which did not neatly fall into the categories of the questionnaire. Further, they were not compelled to stick to the questionnaire if it meant that they could get more detail from the interviewee by allowing her to talk about what she wanted to talk about. The interviewers were consciously sympathetic and, it was reported that

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in many instances they found themselves offering emotional support and advice. The result was a wealth of detail, but the data were very difficult to quantify and traditional survey researchers were inclined to see it as sloppy work.

This study gave a detailed account of method and is resplendent with descriptions of the environment and specific details of particular women's stories and perceptions. It attempts to show the prevalence of experiences that women perceive as threatening:

Sexual harassment accounted for three-fifths of the incidents and two-fifths of all women interviewed reported this type of experience. Threats made up a quarter of the incidents and were experienced by a quarter of the women interviewed. Physical violence was least reported, just under one-sixth of all incidents and women interviewed.¹⁴

While their attempts at quantification are confusing Hanmer and Saunders were good at explaining and generalizing women's perceptions:

The common strand running through these events is the inability of the woman to control the initiation of the behaviour and the subsequent interaction. While we did not attempt to measure how frightened or out of control of the situation the women were, or believed themselves to be, it seemed that the greater the uncertainty about the outcome the more terrifying the encounter. We regard this as our first major finding as it is the only way to make sense of the differences between the importance women place on certain behaviours as against that of the police and the courts.¹⁵

Although this research reflected the broad concerns of the feminists about violence against women generally, the policing of violence against women in the home was firmly on their research agenda. Much was said about women's perceptions of policing practices and, although efforts at

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quantification were problematic, the emergent picture was that police officers did not take women's requests for help seriously. The authors detailed several women's stories, all of which illustrate that women's perceptions of police action were negative.

One incident described involved a young woman who awoke one night to find a man crouched by the foot of her bed. He left as soon as it was apparent that she was no longer asleep. When the police arrived they apparently told the woman and her parents that the man was 'a regular' who was difficult to catch and proceeded to relate something of his history. It seems that he had begun as a prowler at age 17 and, at the time of his incursion into the young woman's bedroom at the age of 34, he was known for breaking into women's homes and fondling them while they slept. The attending officers apparently told the victim and her family that the perpetrator's stated ultimate desire was to kill a woman slowly and watch her die and he had boasted to police that he knew the right things to say to psychiatrists. The police concluded that as he had not actually harmed anyone yet it was difficult to 'get' him.

According to the woman's account to the researchers, the man was eventually prosecuted, but she did not attend court and the outcome of the case was not reported. What the research report did detail, however, was the woman's feelings about the incident:

I get frightened when I am trying to get to sleep. If I hear a strange noise, I really believe someone is there. I have to get up and put the light on. Initially I would just lie in bed, unable to move. I was just scared. I put the light on to reassure myself. I made myself do it, otherwise I can't sleep.¹⁶

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The researchers noted a pattern of minimal involvement by the police. In examples of domestic assault "the police do not arrest the man or take any action except perhaps to move him temporarily on", instead they "tell the woman that it is her responsibility to prosecute" although "the police have legal power to bring prosecutions in all crimes."¹⁷

Their report concluded with some recommendations for further research. Among them was the need for a study which would estimate the increase in prisons, police, courts and their officials, including the probation service, that would be required in order to process all known offenders. They also wanted studies of how the exercise of police discretion reconstitutes violence to women in the home as non-criminal. Women were perceived to be unwilling to use criminal prosecution against the men who abused them. Accordingly, there was a need for studies of why this should be so in order that the numbers of prosecutions could be increased. By this time policing was clearly on the agenda for feminist researchers looking into violence against women. If refuge activists and feminist social scientists were beginning to think about using state agencies, including the police, to organize a social response to violence against women, including violence within the confines of the home, there were feminists expert in the discipline of social administration who were willing to engage the practicalities of this problem.

**Social administration and
violence against women**

In September of 1981 the Department of Health and Social Security funded a conference held at the University of Kent at Canterbury which was organized by Jan Pahl, a member of the department. This conference

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brought together many professionals working in the area of wife abuse including social workers, housing managers, doctors, nurses, health visitors, solicitors, police officers, and social scientists. Also included were refuge workers from Women's Aid organizations in England, Scotland, Wales and Northern Ireland as well as a few women who had actual experience of battering. The conference represented the convergence of these disparate bodies and institutions on the issue of domestic violence. Its purpose was to develop practical recommendations for policy and practice in the field of wife abuse. Accordingly, reports were given on the response of the police, the legal profession, social work, housing departments, and medical agencies to the problem. The core presentations of the conference were published in 1985, together with comprehensive details of a longitudinal study of 42 women who were forced to leave their violent husbands.¹⁸

Of particular importance to Pahl's analysis was the divide between the private realm of the family and the public institutions which were charged with responding to violence against women in that sphere. As she put it the "growth of the welfare state and the increased intervention of the state into family life have been paralleled by a growth in concern for the privacy of the home and for the rights of the private individual."¹⁹ She went on to say that:

The dichotomy between public and private must be of concern to those who seek to understand the roots of violence against wives and to those who want to help the victims of violence in the home. In a culture which, both explicitly and implicitly, assumes fundamental linkages between such concepts as 'woman', 'wife', 'family', 'home', and 'private', it is no accident that violence against a woman, perpetuated by her husband within their family home, is somehow seen as a different sort of crime from violence against a stranger in a public place.²⁰

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Although the public-private distinction was of particular relevance to those professionals responsible for enforcing the law Pahl also stressed that "housing is a central issue".²¹ Connected with this, she noted that Women's Aid was the primary agency for helping battered women. In this respect she did not deviate too far from the, by then, traditional feminist stand-point on the issue. She recognized that both in the short term and in the long term abused women need safe accommodation so that they are not forced to go on living with violent men. In connection with this she pointed out that funding for refuges was far from sufficient. There was not enough refuge space when it was provided it was often overcrowded and dilapidated. Also, there was evidence that local authorities were evading their responsibilities to women victims of violent men which meant that the long term housing needs of these women were not being met.

What was relatively new was a focus on changing the practices of the helping professions and the police. As we have seen, a critique of these agencies had always been an undercurrent in feminist discourse. However, actually thinking of changing these institutional practices to bring them in line with the needs of battered women was contentious. Pahl recommended that:

There is an urgent need for training for all those professionals who meet abused women in the course of their work. Better practice and greater understanding need not cost money but they do require determination and action. It is particularly important that those who are in a position to help battered women are knowledgeable about the relevant legislation, about women's rights to social security benefits and housing, and about the whereabouts of the nearest women's refuge. The topic of wife abuse should be covered both in the basic training and in the in-service training of all the relevant professions.²²

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While questions of cooperating with officials from social services and local government were viewed, by at least some feminists, as contrary to the aims of the women's movement as a whole, the need to improve the services available to battered women was, to the majority in attendance at the Canterbury conference, an overriding concern. There is no doubt that pressure had to be applied on local government and housing officials if long term housing needs, always a central issue, were to be met. In addition, refuge provision had also to be augmented and for this to happen more funding was needed. Up to this point the aims of both the 'revisionist' and 'radical' views were much the same. It had been recognized by activists in Women's Aid that refuge provision could not adequately be provided by squatting. It was felt that such a tactic did not provide the security necessary to women who are in need of a rest and time to consider their options.²³ In this respect, the recommendations made at the conference were not contentious.

The last recommendation dealt with the response of the criminal justice system and edged in the direction of criminalization as a possible component in the overall social response to the violence. It has already been shown that, from the beginning of the 1980s, there had been growing concern over the response of the police to violence against women. Feminist social scientists, who had long criticized the police as 'upholders of patriarchy', were beginning to see advantages in criminalizing wife battery. Hanmer and Saunders had explicitly introduced policing issues onto the research agenda but it seems that Jan Pahl was the first British feminist to introduce the possibility of talking about the police, not as 'upholders of patriarchy', but as an important part of changing societal

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values regarding wife abuse. The police had, up until then been part of the problem, but in the early-80s they became part of the solution.

As Pahl explained, police officers exercise a great deal of discretion in how they implement the law. The exercise of discretion resulted in the partial implementation of legislation. Further, this partial implementation was not random but tended to reflect and reinforce particular patterns of social relationships. Police were considered to enforce the relevant sections of the criminal code when they were dealing with violence between strangers in a public place. When asked to deal with violence between intimates in private space they were disinclined to do so. A gap between theory and practice had the effect of making assault on a wife less serious than an assault on a stranger.²⁴ Up to this point in the argument Pahl had not introduced anything new. The police were seen as 'reflecting and reinforcing' patriarchy and this was something that feminists had 'known' for over a decade. What Pahl went on to argue was that this state of affairs diminished public concern about the problem. She also introduced into her argument findings from American researchers which showed that the use of arrest by police officers in cases of domestic violence had a 'positive deterrent effect'. By Pahl's reckoning this meant that the criminalization of wife battery would have a twofold effect. Firstly, it would signal to British society as a whole that wife beating was not acceptable behaviour that would be a critical step in abolishing the behaviour in the long term. Secondly, the deterrent effect of arrest meant that, in the short term, the needs of women victims of violent men would be met.

During this period British police forces had yet to come to grips with the problem of policing violence against wives. There was, however, a

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great deal of research being done in the United States and Canada from the late-70s onward. Some feminists in the social sciences and social administration had opened the door for that information to be let in.

Practical developments in North America

While developments in the battered women's movement in Great Britain owed much to publicity surrounding the sex-murders committed by one man, no comparable issue had emerged in the United States. The battered women's movement in the U.S. was never galvanized by a single issue. Rather, it was left to wind its way through history following its own internal logic. That path was not a straight one. The movement in America was also inclined to fragmentation and this meant that it could take strange turns.

In 1977 there was an indication from feminists in the United States as to what kind of turns could be made. In that year in Philadelphia activists clearly split over issues regarding appropriate tactics for confronting male violence. (Spare Rib No, 63, Oct. 1977) A shelter had been established in 1976, on collective lines after a long battle with the state for funding. The refuge itself was small and under-resourced but it was the first service in the city for women victims of male violence. Shortly after the refuge was established another group, the Working Group on Battered Women, was also set up. This small network called itself a 'socialist-feminist study and action group'. The study was aimed at developing a political analysis of violence against women and its practical work was aimed at lobbying for legal changes in order to afford more protection for battered women. The 'shelter group' and the 'study and action group' proved able to share the

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territory since both shared similar understandings of what the appropriate political analysis should be.

Confrontation between feminists was not far away, however. It came with the establishment of the 'Women's Resource Network'. This group aimed at 'sensitizing' the police force and social workers to the problems of battered women and there was a great deal of consequent acrimony about this. It was explained that:

This group was started this April by one woman who had left a women's collective where she'd been working for six years. Disillusioned by collective action, she's developing her agency on strictly hierarchical lines, with herself as director. (Spare Rib No. 63, Oct. 1977)

Problems arose out of the Resource Network's practical program. Refuge activists protested that many members of the Philadelphia police force were involved in racial attacks which meant that they were incapable of delivering any kind of service to minority women. Further, shelter activists charged that the social services were an oppressive bureaucracy functioning mainly to keep people where they are, that is: in the ghetto, at the kitchen sink and unemployed.

When the Women's Resource Network called a conference for social workers and police to discuss 'wife beating' the refuge activists criticisms were confirmed. No attempts were made to draw in other women involved in the issue, nor were battered women allowed to speak for themselves. The refuge activists had argued that the first priority in addressing the issue of male violence was to listen to the victims of the violence. It was argued that, without such an input, the issue was in danger of being redefined by traditional institutions and services for

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victims would suffer as a result. This political battle was fought in public. The outcome of this factionalism was to undermine the credibility of feminists seeking to provide services for battered women, at least in some quarters.

This trend, evident in the late-70s, was pre-eminent by the middle if the 1980s. This does not mean that the refuge movement disappeared. Indeed, over this period it was expanding. However, it was expanding very slowly. By 1983 thirty-seven states had appropriated funds for services to violent families. Nevertheless, it was acknowledged that the needs of shelters and other services to violent families were still largely unmet. Most shelters were operating on a shoestring. This meant they were capable of providing only the most basic services and were turning away substantial numbers of women seeking assistance.²⁵

By contrast, initiatives by state agencies were multiplying at a dizzying rate. Ten states had enacted legislation making spouse abuse a criminal offence in its own right by 1983. In twenty-one states, police officers were permitted to make arrests without a warrant in cases where there was probable cause to believe that an abuser had committed a misdemeanour. Most of the arrest laws passed during this period gave police discretionary power, but four state laws imposed a duty to arrest where there was probable cause. Much of the legislative effort went into designing forms of civil injunctions and the violation of a protection order was made into a criminal offence. This meant that women were not being helped to leave violent men, rather, they were being given 'protection'. Legislation was targeted to help 'violent families', rather than helping women to leave violent men.²⁶

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Social scientists, only some of whom professed any allegiance to a feminist analysis, were very active in North America during this period. Ultimately their activity served to confirm that criminalization was the most effective way to intervene in family violence situations.

**North American Social Science
and domestic violence**

In 1971 it was reported that only one quarter of a sample of attorneys felt that police officers had proved helpful to their clients in cases involving wife abuse.²⁷ Assessing the service delivery of agencies like the police to victims of crime became known in certain circles as a 'consumer approach' to the issue; an approach to service delivery to victims which owed more to the development of victim survey technology and the corresponding victim's movement than to the political activities of feminists. Throughout the 1970s a number of small scale studies had addressed the service delivery of these agencies.²⁸ It was not until 1982 that the first substantial development of this approach was published. This was a study by Lee Bowker of a sample of 146 battered women in southeastern Wisconsin. Briefly, the findings were that women found that police responded to their calls fairly quickly (an average response time of 13.4 minutes) and were good at 'direct intervention'. However, it was also reported that wives requested that officers arrest in 82% of cases, yet arrests were made in only 14%. As a group women rated police services as less successful in reducing or eliminating the violence than any other agency including lawyers, district attorneys, social services, the clergy and women's groups.²⁹

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Bowker had also asked similar questions of a different sample of women. His second study examined the experiences of 1,000 battered women, recruited nationally. It was not demographically representative sample, but one obtained by soliciting responses in a national woman's magazine: *Woman's Day*. The call for replies produced three pools of data. The first was quantitative and consisted of responses to a standardized questionnaire. The second was more qualitative, consisting of a set of letters, spontaneously submitted by many of the research subjects and expanding on the answers given in the questionnaires. The third set was also qualitative in nature and consisted of a set of case histories also spontaneously added by the respondents. This was indeed a very large pool of data, Bowker explained the details of the sample:

Of the 1,000 women studied, 927 were white, 112 graduated from college, and 906 were legally married to the men they lived with. Only 253 failed to graduate from high school. They had an average of two children with the batterer, and a mean annual family income of \$16,000 in 1982.³⁰

Bowker reminded readers that "all of the data discussed are based on the subjective observations of battered wives" and that no effort was made to balance the perspective with "other subjective data from police records or interviews with police officers" nor were they "supported by quasi-objective observations recorded by trained social scientists."³¹ This limitation was considered to be inherent in any consumer approach to law enforcement or social agency service delivery. On the basis of this sample Bowker produced a quantification of the perceptions of battered women of service delivery. This is represented in the table on the following page.

It can be seen from this table that the police rate fairly low in their effectiveness rating, ranking fifth out of eight. In addition they are also

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seen to be the most likely agency to cause increased violence. Bowker made a tentative explanation of why this might be the case. Police are called to 'incidents of domestic violence' at a specific point in the history of a relationship when emotions are running high. This intervention is usually a single session intervention targeted at the criminal behaviour itself and police officers are restricted both by the formal goal of enforcing the law and by elaborate codes of professional conduct.

**Effectiveness of Formal Help-Sources
Used by Battered Wives**

| Formal Help Source | Very or Somewhat Effective (%) | Caused Increased Violence (%) | N |
|--------------------------------|-----------------------------------|----------------------------------|-----|
| Women's Groups | 60 | 5 | 244 |
| Women's Shelters | 56 | 7 | 212 |
| Lawyers | 50 | 11 | 473 |
| Social Service/ Counselling | 47 | 8 | 537 |
| Police | 39 | 19 | 537 |
| District Attorneys | 38 | 17 | 119 |
| Clergy | 34 | 7 | 333 |
| Physicians/Nurses | 31 | 9 | 330 |

Table taken from Police Studies, Summer 1984

Bowker's conclusions were modest. The effectiveness of the police was "limited by the nature of the service offered, the point at which the intervention occurs, the goals of the service organization and the

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characteristics of the families with which the police become involved." The recommendations were more modest. He suggested that police be trained in verbal helping behaviour and that more time be devoted to educating officers about the situation of battered women in general. In addition, the desirability of arrest, when that action has been requested by the victim of a domestic assault, was also emphasized. This last recommendation was based on the complaints from research subjects in interviews and letters which detailed police inaction.

Extensive research on policing family violence was also taking place within policing organizations at this time. One such study, into 'the social service role of the police in domestic violence situations', was conducted by Bruce Levens and Donald Dutton in the late 1970s in Vancouver, British Columbia. This research, like much of the research in this area, had been carried out by people explicitly interested in police research. However, in this case, the authors began with the recognition that although "the principal mission of the police is frequently portrayed as reflecting a narrow emphasis upon controlling crime, police officers usually engage in a large number of social service activities that are not strictly related to law enforcement responsibilities."³² This study was undertaken "to review training programs that have been designed to acquaint the line officer with resources and techniques for handling domestic disputes, and to identify program components associated with successful police intervention strategies." A second component of the research set out to "describe and analyse the effects of crisis intervention training in British Columbia on the handling of domestic discord by the Vancouver Police Department during the first year of the local program's development and implementation."

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Levens and Dutton operated with a different definition of the issue of 'domestic violence' than that employed by the battered women's movement. Their use of the word more closely conformed to the definition employed by the police. It included not only husband/wife abuse but also the whole gamut of possible combinations of persons conflicting in a domestic setting. The problem with this operational definition, as far as activists in the battered women's movement were concerned, was that it tended to obscure the fact that virtually all of the assailants in these instances are male and most of the victims female.

The authors recognized that "domestic dispute intervention" comprises a "complex, multifaceted demand for service" and they did not put forth any simple solution. They proceed from Bard's typology of three models of police intervention: i) the Generalist-Specialist model, ii) the Generalist-Procedural Model, iii) the Specialist Model. The latter was quickly rejected as "an extravagant use of police personnel" The first alternative was rejected because of the recognition that all officers occasionally handle these types of situations whether they have been trained as specialists or not and that "the tone of police community relations is often shaped by the crucial role that police play when intervening in family fights, thereby indicating a need for all uniformed officers to be skilled in this area."

Having identified the generalist-procedural model as the one most appropriate these authors went on to say that improved police response cannot supplant the need for experienced social workers, psychiatrists, and psychologists. According to Levens and Dutton, police perform their role by intervening in the situation thereby preventing any immediate tragedy. After the 'crisis intervention' police can then act as a referral point into the network of social services. In order for this to be accomplished effectively

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it is necessary for officers at all levels of the institution to be trained in their respective roles *vis-à-vis* 'domestic violence', so that police dispatchers, middle management and line officers are all aware of their specific function as regards this, or indeed any other, type of incident.

Levens and Dutton suggested that "an effective relationship between a family in crisis and the social work professional may prevent repeat requests for police intervention, and the timely referral may prevent the domestic problem escalating into a more serious one resulting in severe injury, criminal charges, and possibly homicide." They suggested a model for police practice which emphasized that police response came in tandem with the response of other social agencies and that there was a need to coordinate efforts in order to make them complimentary. However, social service-type responses by the police were criticized at the time and the model of 'victim protection-offender arrest' was held up as the more appropriate.

The view that police response predicated on the use of arrest was the most appropriate in these instances was strongly argued for in the United States by Daniel J. Bell.³³ He based his recommendations on a lengthy study undertaken in Ohio for urban, suburban and rural police jurisdictions. His sample represents a composite of 128,171 'domestic dispute' and 'violence' incidents reported to Ohio police jurisdictions which occurred between August 1, 1979 and December 31, 1981.

Bell found that arrests were made in only 14% of the cases with referrals to other agencies occurring 19% of the time and "no action" accounting for the remainder of the dispositions. Given that victims were killed or injured in 41% of reported 'domestic violence' incidents, Bell concluded that the level of arrest was far too low. He also found that

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police were using referrals to other agencies as a way of avoiding their responsibilities to victims. The findings indicated that, in cases where criminal complaints were initiated, there was a tendency for the police to provide referrals to auxiliary service agencies that were not present when criminal complaints were not initiated. He concluded:

The police, by not arresting the assaulter and referring the victim to other services, have for all purposes made a significant contribution to the continuation of violence in the victims home.³⁴

The recommendations that followed were that arrest should always be the first consideration. Bell left open the issue of police discretion, however, concluding that arrests might be appropriate with felonious domestic assaults and that social services might be an appropriate disposition for some misdemeanour assaults. He stressed the point again and again that the social work approach, although it might have its place, seemed to serve as an excuse to avoid arrest, and therefore must be used cautiously.

According to the author, "the police must develop processes whereby violent domestic offenders are identified and dealt with in a manner consistent with the severity of their offence." Accordingly, police must be adequately trained to differentiate between 'misdemeanour' and 'felony' domestic assault cases and steps taken to ensure that police arrest in all cases where a 'felony' has been committed. For Bell, the most important aspect of the problem was differentiating between the lesser and greater crimes. Correct differentiation would ensure that 'felonious assault' cases would be classed into categories with mandatory arrest provisions. In

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addition, the reporting of all 'misdemeanour assaults' was also to be made mandatory thus ensuring that no call for service could slip through the net. In non-arrest incidents the police were to have one option: "to refer the offender to an auxiliary service agency for assistance." Ideally, the referral was to be mandatory for the offender and made by a summons type document. Bell also advocated that any individual placed on probation for 'domestic assault' should be under supervision for an extended period of time.³⁵

Bell's recommendations come out of the conviction that police practices in domestic dispute incidents perpetuate 'domestic violence' through inappropriate action, and through inaction. As a consequence "the family members' right to protection has been abridged by the police system's unwillingness to cope with domestic violence." According to Bell, the concept of 'protect and serve' should motivate police to protect the citizens against "all" dangers, whether from strangers or family members.

The debate between police researchers advocating a social service-type of intervention and those advocating the victim protection-offender arrest model was pre-empted by social scientists in both Canada and the United States who were asking questions about the 'deterrence value of arrest'. These studies are the subject of the next section. Before leaving this discussion behind however, it should be pointed out that the practicalities of organizational policing are largely left out of the accounts of Bowker, Bell and Levens and Dutton. These researchers take limited account of the organizational constraints on policing. They do not see policing as a reflexive social process itself, but rather, tend towards a dirigist model which ignores what has been termed by police researchers the 'occupational culture of policing'.

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Deterrence research and the policing of domestic violence

In the early 1980s in Ontario, Canada the provincial government was very active in seeking a coordinated response to the issue of violence in the home.³⁶ The research which examined this initiative highlighted the role of the police and published results which underlined the deterrence value of arrest. I will consider this research momentarily. Firstly, I would like to consider, in brief, the other services available to battered wives in the community.

It would be incorrect to reduce the London, Ontario, initiative an experiment in improved policing practices since the policing innovations that were introduced took place in the context of a wide ranging response in the community. For example, at the time research was being carried out to assess the police response to 'domestic violence', a 'family consultation service' provided around the clock crisis intervention and informal police training aimed at dealing with wife battering. Specialized services in the community also included a Battered Women's Advocacy Clinic to provide legal and emotional counselling for battered women as well as a treatment group for men who batter called Changing Ways. Also, according to the Provincial Government, extensive availability of emergency housing through local women's shelters and provision for long term housing needs of women who have to leave violent husbands, were also available.³⁷ Such services provided an important community context in which the police intervention could take place. A range of community professionals and volunteers, as well as the police, provided a network of services for the victims of wife assault.

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The policy initiative in Ontario was a holistic one since it attempted to address the problem of domestic violence on a wide front. Despite this, the evaluative research conducted on the initiatives there focused on new police practices, that is: the criminalization of the problem. Without a doubt this aspect was important and when the then Attorney General for Ontario, Roy McMurtry, said "...domestic violence is in the realm of other criminal offences and must be treated as equally serious, and not be regarded as solely a private family matter" he may have been the first man in history holding an office of comparable political power to do so.³⁸

The Attorney General's directive, given in August 1982, marked a significant change in traditional criminal justice system responses to wife assault. Dr. Peter Jaffe, a researcher in the Department of Psychology at the University of Western Ontario, put the London initiative, and other deterrence based research, in perspective:

In London, police laying charges resulted in a significant decrease in charges being withdrawn or dismissed, contrary to the common myth that victims would be less co-operative (in fact, victims were less likely to follow through with their own charges). In Minneapolis, a police intervention that involved arresting the batterer was approximately two times more effective in reducing victim-reported repeat violence during a six month follow-up than police offering advice or separating the couple for a short period of time. The findings of these two studies focus mainly on the outcome of the functioning of the police component of the criminal justice system. However, they give rise to further hypotheses about the interaction of the justice system with support services available for families experiencing violence. Although the implications are clear regarding the short term deterrent effects of police charging and arresting in cases of spousal abuse, the longer term effects have not been evaluated.³⁹

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In 1985 these social scientists were convinced of the 'short term deterrent effects' of arrest on perpetrators of 'domestic violence'. The questions that remained concerned the 'unintended side-effects' of police brought charges. These included the fear that women who might call the police for protection would hesitate to do so if they did not want their male partner charged, or that arrest would exacerbate abusive behaviour rather than diminish or prevent it. Readers should note, on this point, that arrest does not necessarily imply lengthy incarceration.

The effects of the policy change, as reported by Jaffe and his colleagues, were largely positive. The number of police laid charges rose dramatically and this was accompanied by a corresponding decrease in victim laid charges. A comparison between arrest rates for pre and post-policy years can be seen in the following table.

| Changing Patterns of Police Laid Charges | | |
|--|------------|-------------|
| 1979 and 1980 | | |
| Year | 1979 | 1980 |
| Wife Abuse Assault Occurrences | 444 | 443 |
| Charges Laid by Police | 12 (2.7%) | 298 (67.3%) |
| Charges Laid by Victim | 92 (20.7%) | 22 (5%) |
| There were 25 missing cases here because of inconsistencies in filing procedures | | |
| Source: Jaffe, Wolfe, Telford and Austin, 1985 | | |

Police laying charges also resulted in significant decreases in charges being withdrawn or dismissed. This was contrary to the worry that

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victims would be less cooperative. In fact, the research showed that victims were less likely to follow through with their own charges.⁴⁰ The real crux of the matter, however had to do with the effects of arrest as a strategy for dealing with 'domestic violence'. Did it lower rates of recidivism? Did the quality of violence change? The researchers provided a table, reproduced here, which summarized the answer these questions.

| The Nature and Extent of Violence Before and After Police Intervention | | |
|---|---------------------------------------|------------------------|
| 1983 Victim responses according to the Conflict Tactics Scale | 12 months previous to intervention | 12 months following |
| Conflict Tactics Scale | Frequency (%)* | Frequency (%) |
| | N=73 | n=61** |
| 1. Threatened to hit or throw something at other | 57 (78%) | 30 (49.1%) |
| 2. Threw, smashed, kicked or hit something | 57 (78%) | 29 (47.5%) |
| 3. Threw something at other | 40 (54.8%) | 9 (14.8%) |
| 4. Pushed, grabbed or shoved | 59 (80.8%) | 33 (54.1%) |
| 5. Slapped | 52 (71.2%) | 18 (29.5%) |
| 6. Kicked, bit or hit with fist | 42 (57.2%) | 14 (22.9%) |
| 7. Hit or tried to hit with something | 33 (45.2%) | 11 (18%) |
| 8. Beat up | 46 (63%) | 15 (24.6%) |
| 9. Threatened with a weapon | 18 (24.7%) | 6 (9.8%) |
| 10. Used a weapon | 3 (4.1%) | 1 (1.6%) |
| * Percent may vary from 100% and victims may not total 73 because of fluctuations in missing information or multiple responses to questions | | |
| ** Complete data was available on 61 out of 73 subjects | | |
| Source Jaffe et al 1985 | | |

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In this table the new police response appears to be a strong deterrent in the majority of cases. It indicates that not only are there fewer repeat occurrences of domestic violence following an arrest, but that when repeat violence does occur it is less severe. In their explanation of the findings the researchers also pointed out that the husbands most resistant to change were those who had witnessed violence in their family of origin or had been the victim of child abuse, which fitted in well with 'common sense' conceptions of male batterers.

Subsequent analysis showed two interesting trends. Firstly, victims reported a reduction or termination of violence more often (70% vs. 27% of the time) when police laid charges rather than when victims laid charges. A second finding was that in eight cases where victims wanted no charge laid but the police officers persisted in charging, seven out of eight victims reported a reduction or termination of their husbands violent behaviour. Over all, when police laid charges verbal aggression was reduced by approximately one-third (on the conflict tactics scale) and physical aggression was reduced by approximately two-thirds. When Jaffe's results are considered there can be no other answer. Arrest lowers not only the rate of recidivism but also the nature and extent of the domestic violence perpetrated. Arrest has the concrete effect of reducing the likelihood of repeat offences and, when repeat violence does occur, any subsequent violence is of a lower magnitude. These findings and the conclusions were widely publicized. However, there were methodological problems with these studies which were not considered at the time.

To begin, it is somewhat difficult to interpret some of the findings as they are presented. No effort was made to indicate how many women left

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their partners concomitantly with the arrest and were less likely to suffer repeat violence as a result. This may have affected the validity of the findings since, in such instances, lack of repeat violence is not entirely attributable to police action. There was a bigger problem, however, which has to do with deterioration of the sample size. The 'N' number displayed in the second table is only 73. How did the researchers arrive at that number of cases to test?

The sample of incidents was constructed by identifying all assault occurrences during 1983 (a total of 2003) and screening them in order to reveal those instances of wife abuse (443). With the attrition of recidivists and victims who could not be located, a mailing list of 412 was compiled. In co-operation with the Chief of Police a letter requesting an interview was sent to those potential subjects. The initial response produced seventy-four interview candidates and a second mailing to 100 randomly selected non-respondents six weeks later provided a further thirteen subjects for the study. Part of the sample was used in a pre-test of the victim questionnaire and in some cases there was a reluctance of subjects to participate fully in the research process. Ultimately, seventy-three subjects were obtained who completed the full interview protocol.⁴¹ If the original sample size is taken to be 412 this means the response rate was only 17.7%.

In order to determine the differences between respondents and non-respondents a comparison of the two populations on socio-economic and criminal justice intervention variables was made. This comparison indicated that the most significant difference between the two groups was in the area of their experiences with the criminal justice system. Women who did not respond or who denied requests for interviews were five

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times more likely not to have had charges laid against their assailant spouse.

From the report itself we know that the original sample consisted of 412 cases. We know further that, in 73 of these cases, there were follow-up interviews to assess the effectiveness of the response. Of these 73 cases 58 were instances in which an arrest was made. Calculating on the ratio of five-to-one it becomes apparent that out of the 339 cases where the victim was not interviewed approximately 55 involved arrest. Further, of those interviewed, only 15 cases involved an action other than arrest. This means that out of the original sample of 412, in 324 cases where there was no arrest there was no follow-up interview. It would seem from this that the research can not make any claims about the effectiveness of arrest over 'mediation' since so few of the cases in the alternative treatment category were captured by the research instrument. Further, the number of cases in the arrest treatment category where interviews were conducted is roughly equivalent to those in which it was not. The weight of the un-tested cases in which arrest was employed creates a possibility for a very large bias in the results.

Not only was Jaffe's response rate low, but it is also easy to see that the process by which this low response rate was obtained is essentially a process of self-selection. I would argue that it is not unlikely that women who suffered further and increased violence from their husbands would be among those who self-selected themselves out of the research project. The proportion of cases affected in this way could be high or low; there is simply no way of knowing.

I mentioned earlier the initiative in London Ontario did not just concern itself with the 'criminalization' of violence in the home. The

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'hardened' police response was part of a much wider initiative which included extensive victims support networks and counselling for men who batter. There is no way to separate out the effects of these other initiatives in the community from the effect of police using arrest more frequently in instances of domestic violence and this also has implications for the validity of the findings.

Despite these methodological problems there were concrete conclusions drawn from the research. In all cases in the study police action seemed to have had the desired effect and there was a perceived general decrease in the level of violence regardless of its nature. The effect of arrest as opposed to other police intervention measures is judged to be a deterrent, because both the quantity and quality of the repeat violence after police intervention was lower for that form of intervention than any other in the sub-sample population. These findings compared well with concurrent findings made by the research team of Sherman and Berk in Minneapolis. However, the Minneapolis domestic violence experiment did not have the problems with sample deterioration to the same extent as the Canadian work.

In fact, the Minneapolis domestic violence experiment was a very sophisticated piece of social-scientific research. For the first time in police research, a police department permitted experimentation with officers' responses to a situation involving a specific offence. The experiment was conducted between 1981 and mid-1982, prompted, it seems, by the desire to untangle the knot of options available to police officers confronting a 'domestic assault'. Sherman and Berk explained that police officers had at least three conflicting options urged upon them by different groups with different theories:

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- 1) labeling theorists from both sociology and social psychology urge that mediation would be the response least likely to provoke further violence by getting at the underlying cause of the violence and avoiding the negative labeling denoted by police officers taking on their law enforcement role.
- 2) the traditional approaches of police officers which called for as little intervention as possible. This is based on the premise that the offenders will not be punished by the courts if they are arrested and that the problems are basically not solvable. As a short term measure police may resort to forced separation (ie. making the suspect leave the premises) as a means of achieving peace.
- 3) deterrence theorists who postulate that arrest would cause the most discomfort and mediation the least discomfort so that arrest would have the effect of deterring violent acts while mediation or non intervention would be of little use.⁴²

In order to shed some empirical light on these conflicting recommendations, the American Police Foundation and the Minneapolis Police Department agreed to conduct a classical experiment. The design called for systematic use of arrest, separation and some form of mediation, with a six month follow-up period to measure the frequency and seriousness of violence after each police intervention. The researchers explained that:

"... the systematic use of these treatments, unlike a cross sectional survey of police actions and subsequent violence, is much more effective in holding other factors constant. With sufficient numbers of cases, the social characteristics of the suspects in all three treatment groups should be very similar. The only difference between them should be due to the police actions, not to pre-existing differences in the average group tendencies to commit violence."⁴³

The design only applied to simple domestic assaults (roughly equivalent to a section 47 Actual Bodily Harm offence in Britain) where

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both the suspect and the victim were present when the police arrived. The experiment included only those cases in which police were empowered, but not required, to make arrests under Minnesota state law. These legal conditions had been liberalized in the period leading up to the implementation of the experiment and required that the police officer have probable cause to believe that a co-habitant or spouse had assaulted the victim within the last four hours. Cases of life-threatening or severe injury, usually labeled as a felony (the equivalent of Grievous Bodily Harm in Britain) were excluded from the design.

The design required each officer to carry a pad of report forms, colour coded for the three different police responses. Each time the officers encountered a situation that fit the experiment's criteria, they were to take whatever action was indicated by the report form on the top of the pad. The forms were numbered and arranged for each officer in an order determined by a lottery. The consistency of the lottery assignment was to be monitored by research staff observers riding on patrol for a sample of evenings.

After a police action was taken at the scene of a 'domestic violence' incident, the officer was to fill out a brief report and give it to the research staff for follow-up. As a further check on the lottery process, the staff logged in the reports in the order in which they were received and made sure that the sequence corresponded to the original assignment of responses.

They employed what they describe as a "predominantly minority, female research staff" in anticipation of the "background of the victims". This research team conducted detailed face to face interviews initially and follow-up interviews by telephone every two weeks for 24 weeks. The

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interviews were designed to measure the frequency and seriousness of victimizations caused by a suspect after police intervention. In addition, triangulation was built into the design and research staff collected criminal justice reports that mentioned suspect's names during the six month follow-up period.

In common with all social-scientific investigations, the research planned was not the same as the research carried out. The researchers argued that while "there is slippage from the original plan" but that none of the difficulties "proved finally detrimental to the validity of the experiment." In order to gather data as quickly as possible, the experiment was located in two of Minneapolis's four precincts, the two with the highest density of previous 'domestic violence' crime reports and arrests. The 34 officers assigned to those areas were invited to a three-day planning meeting and asked to participate in the study for one year. All but one agreed. The conference also produced a draft order specifying the rules of the experiment to be approved by the Minneapolis Chief of Police. These rules created several new situations to be excluded from the experiment. Thus, when a suspect attempting to assault police officers, a victim persistently demanding an arrest, or if both parties were injured the case was not included as part of the experiment. These additional exceptions meant that the lottery process was violated more often for the separation and mediation treatments than for the arrest treatment. However, according to Sherman and Berk, a statistical analysis showed that these changes posed no threat to the validity of the experiment's findings.

The experiment began on March 17, 1981 and was to last one year, producing about 300 cases. In fact the experiment ran until August 1982, four months longer than anticipated, and produced 314 cases. Officers

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taking part in the experiment met with project supervisors on a monthly basis. During the course of these meetings it became clear that only between 15 and 20 officers were attending the meetings and turning in cases, which is why the experiment took more than a year to produce the required 300 cases. In an effort to obtain cases more rapidly 18 further officers were recruited, but, like the original group, most officers only turned in one or two cases. Apparently three officers produced a total of 28% of the cases. As the researchers explained this was because "they worked a particularly violent beat and, in part, because they had a greater commitment to the study." Again a statistical analysis showed that the effects of police actions did not vary according to which officer was involved and since the lottery was by officer, this condition created no validity problem for the cases in the study in terms of the experimental design.

The researchers admit that officers occasionally failed, due to forgetfulness, misunderstanding or confusion, to fully follow the experimental design. On the question of officers intentionally biasing the research design they are less clear. They admit the possibility that police officers, anticipating from the dispatch call a particular kind of incident and finding the upcoming experimental treatment 'inappropriate', may have, on occasion, decided to ignore the experiment. Such action would have systematically biased the experiment but the authors argue that "there is little reason to believe it actually happened."

Over all ninety-nine percent of the suspects targeted for arrest were arrested, 78 per cent of those scheduled to receive advice did and 73 per cent of those to be sent out of the residence for eight hours actually were sent. The explanation for this pattern is that 'mediating' and 'sending'

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were more difficult ways for police to control a situation. As such, there was a greater likelihood that officers would resort to arrest as a fallback position. For example, when suspects refused to comply with an order to leave the premises arrest would become more likely.

According to Sherman and Berk this pattern could have biased estimates of the relative effectiveness of arrest by removing uncooperative and difficult offenders from mediation and separation treatments. Any detrimental effect of arrest could be underestimated and, in the extreme, arrest could be shown to increase the chance of violence. In effect the arrest category would have had too many 'bad guys' relative to the other treatments. Again, statistical analysis showed that the delivered treatments conformed very closely to the experimental design, with no problems of bias.

The design of the experiment was compromised again when it came to the follow-up interviews with victims. Only 205 (of 330, counting the few repeat victims twice) could be located and initial interviews obtained. That is a 62% completion rate. Only 161 victims provided all 12 follow-up interviews, a completion rate of only 49%. There was no evidence that the experimental treatment allocated to the offender affected the victim's decision to grant initial interviews. Statistical tests showed there was no difference in victims' willingness to give interviews according to police action, race of victim or race of offender. Further, the recidivism rates as measured by the self report studies can be compared with officially recorded recidivism rates in criminal justice files which affords some opportunity of validation by triangulation.

The findings of the experiment as they were reported in a Police Foundation Report were interesting. The conclusions drawn from the data

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were that when police officers arrested suspects the recidivism rates over the following six months were 50% lower than for the other response methods employed. So, 10% of the men arrested repeated their offences. The suspects in 19% of those cases in which mediation was used did so and 24% of those ordered to leave the premises were repeat offenders.⁴⁴

According to the then Director of the National Institute of Justice:

The answer appears to be that the police should use arrests more frequently in typical domestic violence cases if they want to reduce assaults. More research is, of course, needed before we can say that only arrest should be used in cases of domestic assault. But the Minneapolis research is useful in guiding our way.⁴⁵

However, there were caveats to this conclusion associated with the paradigmatic nature of the research.⁴⁶ The Minneapolis domestic violence experiment was carried out with the goal of testing the deterrence effect of arrest. As such there was no attempt to standardize the nature of the other 'treatments'. This means that some officers may have devoted considerable time mediating between individuals involved in disputes while others could have used a rather different form of mediation, perhaps simply threatening the disputants. These two possible forms of mediation could have quite different effects having major consequences for the construct validity of the experiment. The efficacy of arrest in the Minneapolis experiment is seen only in relation to the impact of the other interventions. As the content of the mediation or separation treatments change the relative impact of arrest will also change.

The authors themselves ended by favouring a presumption of arrest, stating that "arrests should be made unless there are good, clear reasons why an arrest would be counter productive". They did not, however,

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support a policy of mandatory arrest, granting that there was a need for some police discretion in these instances on the grounds that "arrest works far better for some kinds of offenders than others".⁴⁷

Sherman and Berk included in their research reports interesting characteristics of the sample population which are seldom noted. The first of these is that the suspects in the sample had a 60% unemployment rate. The sample itself was drawn from a community with only a 5% unemployment rate overall. Further, only 25% of the sample had any education beyond highschool and there is a high proportion of ethnic minorities (particularly Native American Indians living on reserves). In addition, the suspects involved in the sample had a 59% prior arrest rate for a variety of offences, suggesting a high rate of involvement with the criminal justice system. These characteristics of the sample prefigure some important concerns for activists campaigning on behalf of battered women later in the decade, especially in Great Britain. These involved issues of policing ethnic minorities by a predominantly white male police force.

To conclude this account of the deterrence based police research two points need to be made. The first is that this research was built on an 'incident' based conception of the problem. This is conceptualization is consonant with the survey based research and is particularly evident in the case of the Canadian research which which employed the Conflict Tactics Scale. The research is presented as a problem of policing 'incidents of violence'. In such an account both the process of the violent relationship and the process of policing disappear. Historic, organizational and process factors are held constant in this kind of account and understandings of the

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nature of the problem are subtly limited. These conceptual limitations may have profound consequences.

The second point to make is a rather different one and that is that these initiatives were prompted, at least in part, by feminist agitation. The Minneapolis Domestic Violence Experiment was directly influenced by the efforts of American feminists to sue police departments for their non-involvement in violence against wives and this campaign was explicitly recognized as a motive for undertaking the experiment.⁴⁸ The possibility then arises that battered women's advocates would import the conceptual blinders of the deterrence based research into their own accounts of the issue.

Summary and Conclusion

What we have seen in the last three chapters is a fairly complex process. Wife battery was seen to be the initial discovery of 'refuge activists' the first group of which was Chiswick Women's Aid. From this initial base, activism on behalf of battered wives spread. The main strategy for intervention in the social problem was seen to be the establishment of an infrastructure of support built around women's refuges. Efforts to consolidate such a response were marred in Great Britain by external resistance by state agencies and their representatives (particularly in the Town Halls) and by internal struggle within the 'Battered Wives Movement' over ideological and operational control. As the refuge movement lost momentum, feminist projects in other, more traditional institutions, particularly within the academy, began to articulate the problem with less emphasis on refuges and more emphasis

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on the possibility of intervention using established institutions; one of which was the police.

In the American context, battered women's advocates grew increasingly marginal to the development of a systematic social response to domestic violence during the early-80s. Instead, an increasing amount of effort was being put into finding ways of policing the violence, partly inspired by efforts of feminist intellectuals campaigning for changes. Hand in hand with this, social scientists displayed an interest in studying the police response. Together, social scientists and police managers assembled a body of knowledge and practice which gave priority to the use of arrest. The public were told that 'booking has a bite' and were led to expect that the police were capable of service delivery in the best interests of victims of male violence in the home.

In Britain at that time (circa 1983) little interest had been shown in the policing of the problem. Indeed in the early part of the 1980s there were no feminists in Britain making criminalization of the problem the central concern. However, in the context of the Sutcliffe killings, and given the paucity of government support for the refuge movement, this was beginning to change. Some refuge activists were beginning to reconsider policing as a strategy. In addition, feminists within the social sciences and social welfare establishments were beginning to consider these issues. Changing police responses still remained rather lower on the agenda, after the issues of housing and refuge space, but interest was growing.

However, the police in the United Kingdom had given scant attention to the issue of the policing of violence against wives. There had been no research done, aside from the small monitoring project in Bedfordshire. In fact, when Kenneth Newman first talked about 'taking the issue of

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domestic violence seriously' in the 1984 Metropolitan Commissioner's Report, there is every reason to expect that he did not know anything about the developments in the knowledge of the problem. In order to understand how 'domestic violence' arrived on the police agenda it is necessary to have some understanding of the politics of the police and for that we need an understanding of the history of post-war British Policing. That is the subject of the next chapter.

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- 1 This coverage of the day's events went on to say that "most women marching were from Women's Aid refuges and support groups, and there was a feeling of strength and sisterhood." However, the article also lamented that "there was not more support from the Women's Liberation Movement [from women not actively involved in Women's Aid] because the march clearly showed our identification with the movement" demonstrating the institutional fragmentation of the women's movement as a whole. See Spare Rib No. 64 Nov. 1977
 - 2 Interesting to note here is the fact that this more militant protest was not organized through the infrastructure of Women's Aid. The 'graffiti bomb' tactics of 1980 were part and parcel of the broadening of participation in the politics of the issue, many of the people who took part in the Women against Violence Against Women conferences were not themselves refuge activists. See Dusty Rhodes and Sandra McNeill Women Against Violence Against Women Onlywomen Press, London © 1985
 - 3 This coincidence of the intensification of women activists anger and the serial killings is a knotty historical problem. There is no doubt that 'feminists' latched on to the Sutcliffe murders and used it as a rallying cry. There is also little doubt that, given the climate of fear created by the media, women's collective action against male violence took on a new kind of intensity. The question arises if Peter Sutcliffe had died at birth would it have made a difference? The view that history is made by extraordinary individuals, the 'great man theory of history', is a mistaken one. The point made by many feminists at the time was that Sutcliffe was not truly extraordinary. Certainly his violence against women was elevated above that of 'ordinary' male behaviour, but it was none the less violence against women, something which can be found in every nook and cranny of British society. Without Sutcliffe there would be another man's, or men's, brutality. However, it cannot be denied that the Sutcliffe sex-killings, and the intensity of emotion they created, did add a particular bent to developments in the growing politics of 'sexual violence'.
 - 4 op. cit. Rhodes and McNeill, 1985
 - 5 *ibid.*
 - 6 It was explained that legal remedies "have proved quite inadequate to solve the problem [of violence against wives]...they have been bedevilled, first, by a competing commitment to the preservation of the family unit and, second, by a failure to understand and to cater for the woman's own ambivalence about using them. Nor do they provide for her main needs, which are either to exclude the aggressor from their common home or to acquire a new home and

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- protection for herself." Atkins S. and Hogget B. Women and the Law, Basil and Blackwell, Oxford © 1984 pg. 132
- 7 Binney V., Harkell G. and Nixon J. Leaving Violent Men: A Study of Refuges and Housing of Battered Women, Woman's Aid Federation and Department of Environment ©1981
 - 8 op. cit. rhodes and McNeill, 1985 pg. 242-245
 - 9 op. cit. Binney *et al*, 1981
 - 10 Hanmer J. and Saunders S. Well Founded Fear: A Community Study of Violence to Women London Published by Hutchinson and Co. with The Explorations in Feminism Collective © 1984
 - 11 Hough J. M. and Mayhew P. *The British Crime Survey First Report*, Home Officer Research Study No. 76 London HMSO,1983; *Taking Account of Crime: Key Findings from the Second British Crime Survey*, Home Office Research Study No. 85 London HMSO 1985
 - 12 Chambers G. and Tombs, J. *The British Crime Survey Scotland* HMSO 1984
 - 13 op. cit. Hough and Mayhew, 1983 pg. 21
 - 14 op. cit. Hanmer and Saunders, 1984 pg. 33. It is not clear from the presentation of the data over what time period these incidents took place.
 - 15 *ibid.* pg. 33
 - 16 *ibid.* pg. 55
 - 17 *ibid.* pg. 56
 - 18 Pahl J. (ed)Private Violence and Public Policy; the Needs of Battered Women and the Responses of the Public Services, London; Routledge and Kegan Paul © 1985
 - 19 *ibid.* pg. 3
 - 20 *ibid.* pg. 13
 - 21 *ibid.* pg. 182
 - 22 *ibid.* pg. 184
 - 23 op. cit. rhodes and McNeill pg. 243
 - 24 Faragher T."The Police Response to Violence Against Women in the Home" in Private Violence and Public Policy J. Pahl Ed. Routledge and Kegan Paul © 1985
 - 25 Costa J. Abuse of Women: Legislation, Reporting, and Prevention Lexington Books D.C. Heath and Co. Lexington Mass. ©1983
 - 26 *ibid.*
 - 27 Truninger, E."Marital Violence: The legal solutions" *Hastings Law Journal* Vol. 23, 1971
 - 28 See: Battered Women: Issues of Public Policy. published by the U.S. Commission on Civil Rights, 1978
 - 29 Bowker, L."Police Services to Battered Women: bad or not so bad?" in *Criminal Justice and Behaviour*, Vol. 9 1982
 - 30 Bowker, L. "Battered Wives and the Police: A National Study of Usage and Effectivness" in *Police Studies* Summer Issue 1984
 - 31 *ibid.*
 - 32 Levens B.R. and Dutton D.G.The Social Service Role of the Police: Domestic Crisis Intervention © 1980 Ministry of Supply and Services Canada
 - 33 See: Bell, D.J. "The Police Response to Domestic Violence: An Exploratory Study" in *Police Studies* Spring 1984; "The Police Response to Domestic Violence: A Replication Study" in *Police Studies* Fall 1984; "The Police Response to Domestic Violence: A Multiyear Study" in *Police Studies* Spring 1985; and "A Multiyear Study of Ohio Urban, Suburban and Rural Police Dispositions of Domestic Violence" in *Victimology: An International Journal* . Vol. 10, 1985

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- 34 *ibid.* Bell 1984
- 35 *ibid.* Bell 1985
- 36 In regard to the issue of responses to the issue of wife abuse, we should note that in the early 1980s the Canadian Government had embarked upon the Justice for Victims of Crime Initiative. See Rock P. A View from the Shadows, Oxford University Press © 1986. At the same time feminists in that country had embarked upon an aggressive lobbying campaign on the issue of violence against wives. See MacLeod L. Battered but not Beaten: Preventing Wife Battering in Canada, Ottawa, Canadian Advisory Council on the Status of Women, © 1987. The confluence of these initiatives enabled wide ranging initiatives.
- 37 Policy Statment of the Ministry of The Attorney General Concerning the Role of the Criminal Justice System in Cases of Domestic Violence unpublished document 1982
- 38 Address given by the Honourable R. Roy McMurtry Attoorney General for Ontario at the Ontario Government Consultation on Wife Battering Jan. 24, 1984 unpublished document
- 39 Jaffe, P., Wolfe, D., Telford, A. and Austin, G. A research Study to evaluate the impact and effectiveness of the policy directive that police lay charges in all domestic violence incidnets where reasonable and probable grounds exist unpublished document; March, 1985.
- 40 *ibid.*
- 41 *ibid.*
- 42 Sherman L. W. and Berk R. A. "The Specific Deterrent Effects of Arrest for Domestic Assault" in *The American Sociological Review* 1984, Vol. 49 (April 261-272)
- 43 Sherman, L. W. and Berk, R. A. 'The Minneapolis Domestic Violence Experiment' in *Police Foundation Reports*, July 1983
- 44 *ibid.*
- 45 *ibid.* It is interesting to note that these remarks were published directly along side the presentation of Sherman and Berk's research findings.
- 46 The caveats, such as they were, were not published in the Police Foundation Report version of the research findings. This account of the Minneapolis Domestic Violence Experiment was by far the most widely disemminated in Great Britian.
- 47 *op. cit.* Sherman and Berk 1984
- 48 *op. cit.* Sherman and Berk 1983

*Yes its me and I'm drinkin' again
Tell everybody that I'm drinkin' again
Doctor said it'd kill me
but he didn't say when
Have mercy I'm drinkin' again*

*Yes it's me and I'm drinkin' again
I'd like to dry out
but I doubt if I can
My baby said she'd quit me
but she didn't say when
'Cause I'm drinkin' again*

*Working two jobs tryin' to get straight
Don't need the money just tryin' to loose weight
Gonna get you all the things that you lack
A diamond ring and a pink Cadillac
Came home drunk and pushed you around
Don't you quit me baby don't you put me down
I'll never do it again I promise this time*

Ryland P. Cooder

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Introduction

In the last three chapters much ground has been covered as the issue of violence against wives moved through a number of institutions. We saw that, in Great Britain during the early 1970s, the issue was the almost exclusive preserve of 'feminists', particularly activists in the refuge movement. As the social problem was articulated by these women, it concerned 'battered wives'. However, alternative conceptions of the problem proliferated as the issue did not long remain exclusively in the hands of a 'battered women's movement' and was taken up by professionals in the social sciences, the legal system and elsewhere, what Foucault would refer to as different 'institutional sites'.¹ It was shown that this was more the case in North America where the issue was taken up rapidly by state agencies and relatively less so in Great Britain where there was seeming reluctance by many outside the 'battered women's movement' to engage with the problem. This is evidenced by the enormous amount of social scientific 'knowledge' about the subject in the U.S and Canada and the relative paucity of such 'knowledge' in the U.K. in the first decade of the re-emergence of the issue.

At the point we have reached in the historical development of the issue, it is about to become one for the British criminal justice system, especially its lower reaches in the police institution. As the issue of violence against wives began to intersect with the concerns of professional policing in the middle of the 1980s, it is important to recognize that the police establishment was moving on its own trajectory. The incorporation of the issue of 'domestic violence' on that institutional site need not be altogether straightforward and, indeed, a quite radical reconstruction of the discourse at this conjuncture is likely. The process of incorporation of

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the category of 'domestic violence' into the lexicon of policing cannot be understood outside of the parameters of this trajectory. Therefore, it necessary to make some attempt to come to grips with that history and that is the aim of this chapter.

The approach to history I am adopting here is inspired by Foucault who noted that, in the history of ideas, what is important is the notion of series. The archaeologist of knowledge identifies "different series" which are "juxtaposed to one another, follow one another, overlap and intersect, without being able to reduce to a linear schema."² The metaphor he used conjures up, in my mind, an image of the endlessly crisscrossing lines of history. Accordingly, it suggests that, in order to understand any historical process, one must think in terms of process involving the intersection of many histories.

While I am drawing on a particular Foucauldian metaphor here, I am also conscious of the fact that this chapter on the police is not faithful to the methodological approach advocated and developed in the introductory chapter. While such a project is possible, due to the practical limitations of limited resources and energy it is not feasible to develop a deep understanding of the discourse of policing here. Because of these practical limitations I will have recourse to the secondary literature in trying to develop an understanding of the critical issues in the politics and practice of policing. While this technically betrays the theoretical perspective I have laid out, this approach has the advantage of at least creating the illusion of historical movement. The other alternative is to present a 'snapshot' of the circumstances of policing circa 1985, highlighting what I see as the relevant issues. Such an approach would put the incorporation the issue of 'domestic violence' into the lexicon of the policing in its context,

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but my personal preference is for historical movement. In order to develop a feeling of such movement I wish to lay out a brief chronology of the politics and practice of policing in Britain in the post-war era up until the mid-1980s. In doing so, salient issues in policing practice and the politics of policing will come to light.

Policing Britain in the post-war years- the Golden Era and beyond

Concern with the history of the post-war British police has been located by reference to 'the golden era of British policing'. During this period (roughly from 1945 to the late 1950s) "the maximal possible degree of consent" for policing had been achieved.³ The subsequent history of the police has been written in order to explain the slow erosion of the consent to be policed, and possibly to point towards a rejuvenation of that consensus. The first official sign that 'policing by consent' was thought to be precarious is usually regarded as the establishment of the Royal Commission on the Police in 1960 and much subsequent analysis has focused attention on the 1960s, that 'era of permissiveness', in order to find the roots of the legitimacy crisis.⁴

During the 'golden era', policing in Great Britain did seem to approach the 'Dixon of Dock Green' image, at least according to police observers of the time. One portrayed the police as enjoying "popular confidence and esteem because the people know they will not overstep the safeguards to individual liberty provided under the law and rigorously protected by the courts."⁵ Michael Banton conducted observational work in Edinburgh in the early 1950s and his subsequent publication gives us some idea of what policing was like then. He found that the police and community were

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organically linked, sharing many of the same cultural values and norms. The officers themselves were part of a relatively homogeneous community, they patrolled on foot and knew their own beats and the people who lived within those boundaries well. Banton stressed that, in addition to sharing virtually all of the same cultural values as the community, the police officer of the time knew that he depended upon it's members trust and cooperation in order to carry out his duties. Interestingly, Banton notes that this led to an under-enforcement of the law, especially with regard to minor infractions.⁶ In many such cases the likelihood seems to have been some kind of informal action; a negotiation between disputants, with the police officer as adjudicator.

The primary role of the police at this time, at least according to Banton, was as peace officer. The smooth working of the system depended on the good use of the officers discretionary powers in order to ensure the continued cooperation and trust of the public he policed. Banton noted when he was writing in 1973:

Policemen, being subconsciously aware of their dependence upon these other mechanisms of control, prefer to work as peace officers and to see their role in these terms. There is in Britain a current of opposition to specialization in police work...which seems to rest upon the ideal of the policeman as a peace officer.⁷

However, we should remain somewhat sceptical of the portrayal of this era as a 'golden age'. Banton's account does indeed affirm a society with good organic links between the police and public, however it might be that the situation in an urban centre such as Edinburgh does not correspond exactly with that of the more cosmopolitan metropolis of

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London. It is likely that London was much less homogeneous than other parts of the country which may have presented some difficulties for Banton's 'peace officer'.

We should also remember that, throughout the late 1950s, there was a slow seepage of stories into the press concerned with the corruption and illegal practices of police officers and these were by no means restricted to London.⁸ While no serious political challenge to the police practices emerged as a result of these scandals, it was possible to point out individuals amongst the nation's law enforcers in need of disciplinary action which detracts from the idea of a 'golden age'. In addition, some policing practices, for example interrogation 'techniques', also contradict Banton's cosy representation.⁹

In this period police corruption was the main pollutant capable of tarnishing the lustre of the institution, but it was a matter largely kept from public view. Current wisdom has it that the corruption was confined largely to the Metropolitan CID.¹⁰ However, problems in other borough and county forces were manifest and it seems likely that illegal activities by police officers at the time were largely a function of opportunity rather than a characteristic of a particular force. The establishment of the Willink Commission in 1960 is held to have been a direct response to the large number of scandals.¹¹

It can be said that in the period immediately after the war British society settled into an exhausted stability in which policing was a relatively unproblematic task. However, there were nascent features of British civil society which pointed to emergent policing problems. For example, crowd control problems at football matches are not as recent a phenomenon as some might imagine. The first 'pitch invasions', now

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routinely considered to require police intervention, have been dated as taking place in 1950.¹² Similarly racist attacks by white people against black minorities, now a matter of policing priority, began to emerge slowly during the period.¹³ It has been claimed that the rioting in Nottingham and Notting Hill in 1958 were preceded by years of persistent harassment of black people which, although it may never have been an issue for public and political debate, must have involved operational police officers from time to time.¹⁴ Also, at the end of the decade police began to encounter protest movements organized by middle-class participants. In late 1958 forty-five demonstrators received national media coverage as their passively uncooperative bodies were carted away from a construction site in Norfolk where the military were setting up rocket launching facilities. Less than a year later the police had to look after a crowd of 10,000, mostly white, mostly middle class people marching on Aldermaston.¹⁵

What were, in the 1950s, only emergent trends in public order policing became one of the major issues in policing politics and practice in the following decades, but the major reference point emerged somewhat later when the Willink Commission published its Final Report in 1962. In it the authors noted that "the problem of controlling the police can be restated as the problem of controlling Chief Constables."¹⁶

The Report of the Royal Commission was criticized at the time for being too superficial. The *Economist* referred to the final report as 'frankly disappointing'.¹⁷ A critic in *Public Law* said, in a detailed commentary of the Report, that it was:

unrealistic, glamourized, and too general...We are constantly being taken back into the past for which the Commission has great respect; and unless careful, we are mesmerized by verbiage and hollow phrases...Members of the Commission, and especially

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the Chairman, spoke at far too great length, instead of eliciting information from witnesses. Further, almost every time a witness referred to a particular happening, the Commission was reluctant to hear about it. But how else can a picture of what in fact happens in bad cases be built up?...Far too much time is taken up explaining why things are as they are: for instance, why the legal position is uncertain and confusing. This is a largely pointless activity for a Royal Commission.¹⁸

The 1962 Report, with ten members signing various dissents as well as the penning of a Minority Report, tended to be compromised, vaguely general and conflicting. The Commission was criticized most of all for the interpretations placed on a Social Survey conducted at the time. It was pointed out that the findings were available more than a year before the final Report was produced, giving plenty of time for assimilation, but that the conclusions took inadequate account of the findings.

The findings indicated that 42.4% of the public thought that some policemen took bribes, 34.7% that the police used unfair methods to get information, 32% that they might distort evidence in court and 17.8% that on occasions they used too much force. In addition the number of people who claimed they had personal knowledge of serious misconduct by a policeman was equivalent to 65,000 cases per annum.¹⁹

It could be pointed out that such a survey only gathers opinion and what the Commission needed was facts. Such a criticism is certainly supported when the construction of the survey sample is put under scrutiny. The sample was constructed from the electoral register which meant that, not only were persons under the age of eighteen years not represented but that the sample tended systematically to under represent young people. The 18-21 age group, for example, formed only 3.8% of the sample whereas it constituted 6.4% of the population. Had this sampling

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bias been overcome the findings would likely have produced even more extreme results.

It has also been said that the investigative activities of the Willink Commission were hampered by the fact that its members did not have any expertise in the interpretation of social scientific 'facts'.²⁰ Thus, the point has been made that the Commission ignored findings that 51.9% of police officers questioned thought that the standards of recruits entering police service had dropped and, further, that 89% wanted measures taken to improve their relations with the public and gave suggestions for doing so. Further, and despite that fact that the Commission was established in order to investigate the problem of police accountability, they failed to collect any evidence of either disciplinary charges or convictions against policemen. The Commission expressed anxiety about the attitudes of young people to the police, but did not hear any evidence about this. Most interesting, especially with the benefit of 20/20 hindsight, was the revelation that many police officers thought that 'coloured people' had grown more resentful of them in recent years. Criticism of the time pointed out that "there was no sign that the Commission investigated this fact", or considered that there was "not one coloured professional policeman in Britain".²¹

Despite the problems stemming from inadequate attendance to the rules of social-scientific inquiry the authors of the Final Report confidently stated:

(para 338) The findings of the social survey constitute an overwhelming vote of confidence in the police...We therefore assert confidently, on the basis of this survey, that relations between the police and public are on the whole very good, and we have no reason to suppose that they have ever, in recent times, been otherwise. This is a finding

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which we believe will give great satisfaction to Your Majesty, to the police, and to the public.

(para 350) A study of this valuable report reveals an attitude of mind on both sides that augurs well for the continuance of good relations between the police and the public for years to come.²²

The Police Act, which followed two years after the Report in 1964, was modelled on the recommendations of the Willink Commission. This established the tripartite structure of governance for the police, consisting of local government, central government and the police themselves, and it has been within this institutional framework that subsequent questions of police autonomy have been fought over. It has been noted that this system further shifted power towards central government and the police and away from the local state.²³ Responsibility, however, was never delegated to a specific body. Thus, while under section 5 of the Act, local police committees appoint and 'retire' chief constables as well as their deputies and assistants, the Home Secretary has the final say over any decision taken. Similarly, if a police committee is dissatisfied with a particular aspect of the policing of its area it can require a report to be submitted by the chief officer under the provisions of section 11. However, this is also subject to the proviso that the chief officer can appeal to the secretary of state who will decide if such a report is necessary or advisable.²⁴ In addition police committees were not mandated to concern themselves with 'operational matters', but only with regard to broad policy decisions and funding. In practice the distinction between broad 'policy' and narrow 'operations' has always been imprecise and the distinction has operated in favour of preserving the autonomy of chief officers.²⁵ If I might be permitted a somewhat childish simile; the tripartite

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arrangements established by the Police Act set up a game of piggy in the middle with the smallest sibling, local government, always chasing the ball.

Essentially then, the official reaction to the problems and concerns of policing emerging in the 1950s served to insulate the office of Chief Constable. The foundation of the tripartite system made it difficult to open the police institution to both scrutiny and outside pressure. At the same time the Police Act 1964 did not properly address the problem of police officers' discretion and autonomy, the source of much of the internal problem in the first instance. The authority of the office of constable remained "original, not delegated and is exercised at his own discretion, by virtue of his office."²⁶ The autonomy of police constables has been a long held tradition and has given rise to the often cited paradox of police organization that officer's discretion increases as one descends the internal hierarchy.

The Police Act made some attempts to address this. Section 48 made the chief officer responsible for the wrong-doing of any of his subordinates. However, since he is insulated from a thoroughgoing accountability, the provision has been criticized as inadequate. It has been noted that, as a modern and bureaucratic governmental system, the huge autonomy given to police officers at all levels of the organization causes problems of legitimacy.²⁷ Again with 20/20 hindsight, it would seem that in order to secure the long term legitimacy of the police it would have been necessary to tighten the reigns of control on the institution (in other's parlance 'increase their accountability'). The real paradox seems to be that this would have had the effect of preserving the institution's sovereignty. The passage of the Police Act in 1964 left the institution largely unfettered by the concerns of the public being policed, but left the institution open to

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possible control, or at least manipulation, by central government through the Home Office. Perhaps this was not as easy to see in 1964, certainly other issues obscured the debate during the 'swinging sixties'.

Public order policing was only embryonic in the 1950s, but the problem was to increase during the following decade. In looking back at the 1960s, whether it was 'Mods and Rockers', CND protesters, the continuing invasions of the pitch by football fans, the newly discovered radicalism of British students, or the continuing problems of racist violence one cannot help but see developing three distinct types of problems for the police. The first of these was a question of how to address confrontations between members of the public. During this period violence, both in terms of individual acts of violence and large scale confrontations, was on the increase drawing the energy of the police.²⁸ Secondly, and perhaps an associated problem, were the increasing confrontations between large sections of the public and the police.²⁹ Lastly, there is the concomitant withdrawal of consent to be policed by many members of the public.³⁰

We know something of the changes in operational policing of the time because of the observational work of Maureen Cain which can be viewed as a follow-up study to Banton's earlier work.³¹ Her study, which examined both urban and rural police forces in 1962-63 (with some follow-up work in 1965) showed that the 'peace-keeping role' was not dead. This was particularly the case in the rural forces where the police were still well integrated into the community. Her work did, however, chart the decline of that role in urban police forces as the predominant style of policing.

What this observational work showed was that the rural officer, coping with a large variety of tasks, many of which brought him into

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friendly contact with inhabitants on his beat, was maintaining organic links with the community he was policing. In contrast, the urban officer was subject to greater specialization such that, most crime related incidents were handled by the CID; vice and drug offences were handled by respective specialist departments; traffic violations were the preserve of officers patrolling in automobiles; and so on. Cain noted that:

The result was that the man left walking the beat had little of interest to do by way of responding to requests for emergency services. Nor could he fall back on the more rewarding peace-keeping role of the rural police man. There was an acute shortage of men on the beat, brought about both by wastage and by low recruitment, and by the hiving-off of men into specialist departments. As a result men were not usually posted to the same beat for a long period, and two or three beats were combined into a single patrol...thus 'preventive initiation' or peace-keeping was impossible; emergencies and public initiated actions were dealt with by other departments or the cars; crime was taken out of the beat man's hands once it was reported. the uniformed patrol man was thus left with a residuum of individually meaningless and low status tasks.

It seems that police officers in this position were left with three options. Beat officers could fall back on the traditional 'intelligence gathering' tasks and establish personal contacts with people on their beats; something which was militated against by the newly increased size of the 'patches' and the high rate of turnover that the officers experienced. The second alternative, which Cain christened 'easing behaviour', was to seek out the local 'tea spot' (or pub, which was more dangerous) for 'rest and relaxation' while on duty. Easing behaviour, especially if it involved consumption of alcohol, required the cooperation of fellow constables in order to facilitate concealment from senior officers. We can say, again with hindsight, that this had the effect of consolidating some negative aspects of

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police occupational culture.³² The third alternative was to seek out some marginally legitimate arrests and Cain found that people of no fixed abode were especially vulnerable.³³

Cain's study highlighted important changes which were beginning to occur in British policing. However, her study took place before the full introduction of unit beat policing which occurred after the passing of the Police Act in 1965. The changes that she noted were accelerated after the passing of the Act and the the Police Force took on a more specialized and differentiated organizational structure. Interesting to note in this regard is the formation of the SPG in 1965.³⁴ Originally a body of one hundred officers trained in the use of public order strategy and tactics these officers were given specialist training in new weapons technology such as the use of CS gas and plastic bullets, as well as firearms. The formation of this police specialism pre-dates most of the serious violence at public demonstrations of the post war period. The subsequent history of public order policing seems to follow that, as police increased their capacity for organized violence, so too increased the frequency and intensity of confrontations between the police and public. As issues in the maintainance of public order grew, so too grew the political contestability of policing.

It seems to me that 1965 marked an important watershed in the history of British policing, possibly the most important of the post-war era. At that time policy makers concerned with the shape of policing made a number of choices which led policing towards an increasing dependence on specialization, technology and policing with a 'hard edge'. At the same time the tripartite structure of decision making laid out by the Police Act also insulated the police institution giving it a considerable degree of

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institutional autonomy. The sovereignty allotted to police managers as a result of the Act did little to soften the impact of changing police practices. All the while, significant sections of the public were growing increasingly hostile to 'hard' policing.

Throughout the decade the issue of police corruption was to feature prominently in the media. This contributed to the image of a police force gone wrong. In the early part of the decade the most notable of these black marks on the shirt collar of police legitimacy was the Challenor affair, a now well worn story of police histories of the era. This particular drama involved a police officer being publicly charged with 'fitting up' a suspect.³⁵ Detective Sergeant Harold Gordon Challenor was, however, deemed unfit to stand trial because of mental instability. How Challenor could have managed so long in the police, and even obtain promotion, given his propensity for illegal methods and his mental instability were obvious questions to ask. An official inquiry headed by A.E. James QC was established under S. 32 of the Police Act to ask just these types of questions. However, the official report which emerged from this inquiry exonerated both police and medical officers of any blame, Challenor was eventually retired on full pension and the three other officers implicated with him were made to resign from the Force and were given jail sentences.

Corruption was to continue playing a major role in the construction of a negative police image however. This is because of the curious historical contingency surrounding Robert Mark's accession to the office of Commissioner of the Metropolitan Police. Dick Hobbs has produced an interesting theory about the use of corruption charges against the CID by Mark, while in the office of Deputy Commissioner. According to him, there

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was a need to purge the Police Force of the entrepreneurial policing style favoured by old-fashion 'thief takers' and a parallel need to introduce, what was conceived of as, a 'militaristic style' brought about by the increasing role of the police in dealing with large scale public order problems.³⁶ As Hobbs pointed out "Mark heralded the beginning of an era that would introduce militarist, technological and tactical innovations which would make the war against the CID an inevitability."³⁷ Hobbs went on to say that, in this regard, "Mark's close contact with the military, and particularly his involvement in Northern Ireland and with the Working Party set up to review the army's policies in respect of aid to the civil power in 1970, suggests that the Home Office required him to gain as much experience as possible of the utilization of military force in conjunction with police operations."³⁸

It may be, on the other hand, that Mark's use of corruption charges against the CID was merely a matter of personal ambition as he cleared the way for his personal accession to the position of Police Commissioner. Regardless of the motives, Robert Mark, in his position as Deputy Commissioner, mounted a campaign to vilify the CID which was conducted largely in the quality press. According to Hobbs, Mark's campaign against the CID led to demands in the quality press for another Royal Commission into the Police which the then Home Secretary Reginald Maudling wished to circumvent. Given the reputation Mark had established for himself as a CID 'basher' it was only natural that he be appointed Commissioner over the head of John Waldron in order to head off the press campaign before it got too dangerous.³⁹

Hobbs pointed out that "although there is no firm evidence for such a claim, it does appear that both Jenkins and Callaghan were making a

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conscious effort to impose the will of the Home Office upon the self-perpetuating hierarchy of the Met."⁴⁰ Even if this was not the case, it is important to note that the charges of corruption leveled by Mark during his period as Deputy Commissioner, led to demands for another Royal Commission. In other words, the emergent challenge to the institutional autonomy of the police institution posed by the threat of another Royal Commission, came about as a result of factors internal to the institution, namely a struggle for power which gave rise to corruption scandals that may, otherwise, have remained hidden behind a facade of official police investigations into police wrongdoing. The other important point which Hobbs drew attention to, is that the appointment of Robert Mark as Metropolitan Police Commissioner greatly facilitated the growing 'militarization' of British Policing which was to have consequences for police/public relations throughout the 1970s and on into the 1980s.

Policing the 1970s- beyond policing by consent

Cain identified some interesting trends in police practice in the mid-1960s and she ended on a rather hopeful note. She suggested that the adoption of a unit beat policing system might re-assert the peace-keeping role.⁴¹ In fact, subsequent observational work on the police confirmed the opposite; the unintended consequences of the system were to strengthen those aspects of the occupational culture of the 'street cop' that militated against the values that would sustain such a role. Instead the institution was inculcated with notions of police 'professionalism' which Simon

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Holdaway, a police officer and covert observer of police working practices, noted was based on three major principles:

First, the acquisition of specialist knowledge of particular aspects of policing and the restructuring of the organization into specialist units, in order to provide a framework for practice. Secondly, to a significant extent, specialist knowledge was based on the use of technology. Knowledge of vehicular policing, telecommunications and computerization became relevant to the development of systems of policing. Thirdly, although discretion has always been an integral feature of policing, the development of professionalization lead to the principle of 'informed discretion'. A stress was placed on the collection of evidence prior to, rather than after, arrest.⁴²

As Holdaway explained it, it was hoped that a system of policing organized in this way would naturally lead to a greater adherence to the rules of due process and hence to a more accountable police service. The 'managerial professionalism' of those officers charged with the administration of the service and the supervision of street level officers was to trickle down to constables and sergeants and manifest itself in 'practical professionalism'. The unit beat system itself was to provide a practical framework for the principles of such police professionalism.

Under this system each police sub-division was divided into 'home beats', each of which was the responsibility of a 'home beat officer' who would undertake to establish links with the community through the schools, community organizations, contact with shop keepers and the like. His role was to gather 'intelligence' about known or suspected criminals and generally know 'the ground'. Further specialization existed within sub-divisions in the form of mobile patrols. Panda cars in contact with the

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sub-divisional station using radios were to respond to calls for police assistance.

What Holdaway saw and wrote about in his covert study of policing was an exaggerated version of Cain's earlier observations. He recorded an almost absolute separation between the police and public, observing the belief that 'proper policing' could only be done using cars and pointing out that officers were less than keen to get out of their cars and meet the public. According to him:

Fun and excitement, generated by the use of cars and radios, has replaced the cup of tea and chat in the local shop. The contacts between the police and the population policed which Cain found have diminished rather than increased; this is a change which is contrary to the principles of professional policing.⁴³

The dynamic that was established seems to follow that the action orientation of police officers, centring around the use of automobiles in particular but also other manifestations of new 'technology', replaced the interests of many street level police officers in the older style of easing behaviour. In addition this reliance on technology meant that a variety of non-crime related contacts between the police and public were totally lost, leaving contacts involving inquisitorial and potentially coercive relations as the most common form of police-public contact.

Holdaway offered an interesting argument about the widespread adoption of interpersonal radios as leading to the increased hedonism and interdependence of police constables. According to him, exciting incidents, such as brawls, were normally broadcast so that all officers could hear them and, potentially, respond. In addition, officers tended to put out calls

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for assistance from other constables "at the slightest hint of trouble."⁴⁴ Holdaway's observations in this regard are neatly summed up, in criminological parlance today, by the phrase: 'fire-brigade policing'. The gradual emergence of this style of police practice went hand in hand with the rise of the SPG and other similar police innovations in the area of public order policing.⁴⁵ This style has since been criticized as contributing to the further alienation and resentment of those sections of the public that the innovations were supposed to control.⁴⁶

Trends in incidents of 'police brutality' during this period probably best serve to indicate the direction that the changing character of British policing was taking. One way of measuring these trends is to look at deaths in police custody. Between 1970 and 1979 there were 274 such deaths recorded, but these are not evenly distributed. They rose from a low of eight, in 1970, to a peak of forty-eight in 1978. Another method of measuring trends in 'police brutality' is to examine complaints citizens make against the police for allegedly assaulting them. The official figures show that, in 1970, there were 1,093 complaints of assault by police officers. This increased by a factor of three, to 3,178 by 1979.⁴⁷ At the same time, the effectiveness of procedures for complaints against the police was demonstrated to have deteriorated. Steven Box reported that "the tendency throughout the 1970s was for the investigated proportion of all recorded complaints to drop - as indeed it did from 68 per cent to a mere 38 per cent" between the years 1970 and 1978.

The development of 'fire brigade policing', the apparently overwhelming characteristic of the unit beat system, can be directly linked to the development of 'hard' public order policing innovations such as the SPG and other paramilitary predispositions of the 'Markist' era. The

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consolidation of this style of policing was easier to achieve because of the autonomy of chief officers under the Police Act of 1964, which meant that such innovations were left almost entirely in the hands of police decision makers.

The context of the policing of 'industrial disputes' intensified the politics of policing practice. This politicization was exacerbated by other 'popular protest movements' at the time.⁴⁸ While there seems to be agreement amongst observers that, from 1965, the facets of British policing most often in the limelight were the 'harder', more militaristic, ones, it should be remembered that the development of the SPG could not prevent serious 'industrial unrest' from having supreme political consequences.⁴⁹ The Heath government was brought to its knees by 'industrial action'. This perceived weakness in their ability to control the situation at the Saltley Coke depot led to the implementation of a number of innovations in the event of future similar occurrences. Chief amongst these was the establishment of a national police intelligence unit at Scotland Yard in November 1973.⁵⁰

However, as the decade progressed the waters were further muddied by new corruption scandals coming under scrutiny in the press. In 1978 the ill-fated Operation Countryman showed just how muddy policing could get. This inquiry was established to investigate allegations of widespread corruption, particularly in the Robbery Squad. It had been alleged that police officers had been aiding and abetting armed robbers, and officers from provincial forces were brought in to investigate the dealings of the Metropolitan Police. The true story of Operation Countryman may never be told. When Arthur Hambleton, the Chief Constable of Dorset and original investigation director, suddenly retired, he made public his belief

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that over eighty officers were under suspicion and that he expected at least twenty-five of them to be charged. The corruption was by no means restricted to any particular rank either. It was revealed that a list of suspects contained 78 officers from Scotland Yard and 18 from the City of London, including four commanders, four chief superintendents, eight superintendents, fifteen chief inspectors and six inspectors.⁵¹

The whole issue of police corruption, which Operation Countryman was intended to examine, was further complicated by the use of the 'supergrass' in the investigations. This involved known criminals, who could themselves have been tried on very serious charges, being granted near immunity for their own offences (a practice which involved both the police and the courts), in return for information leading to the conviction of other persons for other offences. As Brogden *et al* note "the dangers of the 'fit up' in these secretive, murky, complicated deals, the dubious morality involved in overlooking sometimes even numerous serious offences in the prospect of clearing up an even greater number of similar offences, all but obliterated the mythical line, between the 'straight' world and the underworld, that the 'blues' protect."⁵² Operation Countryman and the connected issue of police corruption did much to damage the the public face of the police. Coming, as it did, in conjunction with the emergence of para-military policing of public events, civil protest and industrial disputes as well as rising crime rates made for a situation in which the institution looked very bad indeed.

Whatever the relative weight assigned to any of these factors there is no doubt that by the end of the decade discussion about the policing of Britain had become highly political. As social tensions along class, race, gender and age lines intensified during this period so too did the coercive

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efforts of the formal agents of social control and, perhaps, at times the control efforts of the police outstripped the demands being placed on them.⁵³ Police spokesmen attempted to articulate their concerns in a non-political manner asking: 'what is political about crime?'. However, such attempts to keep the discussion within the realm of 'operations' rather than 'policy' and so keep the debate focused on technical rather than political questions were successful only in a limited way. At the turn of the decade there were concerted efforts being made on a number of fronts to undermine the autonomy of the institution.

At this time, police decision makers made attempts to counteract the bad publicity directed at the institution, primarily by talking about rising crime rates. The use of crime statistics in this way has been referred to as a 'hegemonic project' and, further, the history of policing during this era has been seen in the context of 'the social history of a moral panic'.⁵⁴ What Hall *et al* try to demonstrate, in what is perhaps the most widely known contribution to criminology of the era, is that in the face of a crisis of consent about policing, police managers skillfully used the mass media to manufacture a 'moral panic' about 'black muggers'. It must be said that they found a willing audience for their stereotypical images of violent black men but the generalizations made went beyond mere reflection of widely held racist attitudes.⁵⁵ The cacophony of racist rationalizations served to take up media space that might otherwise have been devoted to documenting police malpractices. At the same time, and this is more important, it created an image of a fettered police force doing the best it could in the face of insurmountable odds. Police spokesmen presented rising crime statistics in general as justification for increased police resources throughout the 1970s with varying degrees of success.⁵⁶

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It should be mentioned that, during this period, there does seem to have been a rise in street robberies involving violence and, further, that black over-representation in arrest statistics for this type of crime cannot be seen exclusively as the product of police prejudice.⁵⁷ None of this is denied in *Policing the Crisis*.⁵⁸ Their point is rather a different one; that mugging became a symbol and a justification for increasing authoritarianism, hence the drift towards the exceptional state.

Efforts to articulate the police position in terms of 'Law and Order' and the 'Rule of Law' were partially successful. Nevertheless, by the end of the 1970s issues confronting policing had become hotly politicized and this is the main point to be drawn out. As this account enters into the decade of the 1980s the political contestability of the policing institution reached a high point not seen since the establishment of Peel's 'Blue Locusts' in 1829. However, the police institution, through the Police Federation, had a relatively secure position by attaching itself to the fortunes of the Conservative Party.⁵⁹ When the Conservatives swept to power in 1979 they implemented the full terms of pay indicated by the Edmund-Davies Report (commissioned by the previous Labour government), terms that were initially intended to be phased in. The Conservative Government was strongly committed to strengthening the police and doing more to combat crime. Its desires were testified to by a willingness to spend money. During its first four years in power spending on law and order and the protective services rose by 6 per cent per annum, at a time when total government expenditure grew by only 2 per cent per annum in real terms.⁶⁰

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The politics of policing in the 1980s - feint, thrust and parry

There are important differences between the police research conducted in the 1980s and research from earlier decades. Formerly, serious empirical studies of the police in Britain were sporadic. By 1980 research on the police had become a minor industry within criminology; a discipline within a discipline. Indeed, in the early part of the decade the Metropolitan Police Commissioner himself was to commission a major observational study of the police by independent researchers. The resulting PSI Report (Policy Studies Institute) was not always favourable, but it did not spoil the newly developed police appetite for research, especially 'policy oriented' research.⁶¹

Probably the most important document to consider the state of British policing of the era was the Scarman Report, which was commissioned in the wake of the disorders in Brixton. According to Kettle and Hodges, a police-initiated policy of what they referred to as 'occasional saturation policing' designed to maintain what the police saw as the 'Rule of Law' was directly implicated in the outbreak of disorder.⁶² Lord Scarman's subsequent inquiry highlighted the loss of confidence in the police by certain sections of the community and the hostility directed towards the British Bobby by many young blacks.⁶³ The Report noted:

the 'hard' vigorous policing directed particularly against street crime, using methods which caused offence and apprehension to many. The three methods to which objection was taken were; use of the SPG on the streets; use of the 'sus' law (being a suspected person loitering with intent to commit an arrestable offence); and the exercise of the statutory power to stop and search...unlawful, and, in particular, racially

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prejudiced, conduct by some police officers when stopping, searching, and arresting young blacks suspected (or allegedly suspected) of street crime.⁶⁴

Some attention was focused on the SPG, the argument being that its deployment on the streets, while securing a temporary lowering of street crime during its presence on the streets, did not address the underlying social problems, displaced crime to areas not affected by specialist police operations, and provoked the hostility of young black people irrespective of innocence or guilt. While this was a strong critique of 'saturation policing' methods, it did not represent a rejection of the accoutrements of 'hard' policing. It was explicitly stated that protective clothing and helmets as well as CS gas, baton rounds and water cannon should be available in reserve to the police and which may be used as a last resort.⁶⁵

The argument developed in the Scarman Report followed a fine line, it was noted that the police, by virtue of their specialist skills and their own codes of behaviour, were risking becoming "set apart from the rest of the community".⁶⁶ The increased use of technology exacerbated this tendency:

Technological advances have offered new ways of preventing and fighting crime, of protecting life and property, and of quelling disorder without the necessity of maintaining close personal relations with the community. Indeed, not the least of the problems the police now face is how to take advantage of their technological aids without destroying the human factor, so essential if policing is to command public support.⁶⁷

The target was the 'reactive style' of policing in the inner cities, what was termed 'hard policing', and the aim was to provide the "political thrust in the general direction of consensual policing"⁶⁸ In doing this, it seems to me that the observations made by police researchers for many years were

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echoed in the report. 'Community policing', best epitomized by the friendly bobby-on-the-beat that Banton knew so well, was advocated. It was claimed at that time that this policing style was in practice in the Devon and Cornwall constabulary under the leadership of John Alderson. However, it was also noted, that Home Beat Officers were denigrated as 'hobby bobbies' in the occupational culture of the lower ranks and there were parallel problems in the senior ranks where it was believed that 'community policing', while a possibility in quiet country market towns, was unsuitable for the harsher reality of crime in the inner cities.⁶⁹ These observations seem little different than those made by Holdaway half a decade earlier.

Despite these problems and contradictions, 'community policing' was put forth as a broad approach to gain (or perhaps regain) the "active consent and support of the community" for the continuation of policing.⁷⁰ Scarman stated, further, that he believed that senior officers had, after the Brixton disorders, come to "fully appreciate the importance of what has come to be known as community policing."⁷¹

However, it seemed to remain impossible to reconcile the tension between 'hard' policing and 'community' policing in a substantive way. The future use of 'hard-line' tactics were to continue to be a matter for the 'professional judgement' of the police.⁷² What the Scarman Report could not erase was the emphasis on the detection and arrest of criminals, what was pejoratively labeled the 'capture culture', or the organizational entrenchment of specialist squads, both of which contributed to the perpetuation of the reactive style christened 'fire-brigade policing'. Scarman did give incentive to adopt programs in the community relations

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field, but it was as if this was to be added on to what was to remain essentially unchanged reactive hard policing strategies and tactics.

Observers of the police institution of many different political stripes have made similar observations. Reiner has noted that the development of 'community relations units' fits in neatly with the fashion for specialist squads and further that:

the encouragement of the service role was an effective device in police legitimization. The devaluing of it by rank-and-file culture, as crime fighting became elevated to its glorified pedestal - a process encouraged unintentionally by Unit Beat reorganization - was problematic for police legitimacy. The response of many Chief Constables was to set up specialist community relations units to provide an artificial surrogate for what tradition has regarded to be part of basic constabulary duty.⁷³

Reiner goes on to point out that these specialist liaison units began to proliferate in the late 1960s, after the Force amalgamations when specialisms of all kinds began to crop up. Other observers have attributed far more sinister qualities to this gradual historic shift:

community-policing initiatives are in practice a far cry from progressive police-community relations. The use of such a strategy to 'gain the confidence' of other agencies, key workers in the community and the people themselves, provides the opportunity for a level of surveillance which no previous strategy could offer. Coupled with the proven lack of political accountability, it has not only consolidated police autonomy but has also laid the foundation for a form of total policing without effective consultation and with no check on the use of police discretion.⁷⁴

This objection emerged primarily from a concern about how to make police decisions accountable to the public which those decisions then impact upon, in light of the fact that such decisions are subject to a wide degree of

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discretion at all levels of the organization. Attempts in the Scarman Report to address the issue of police discretion were made on two levels, the first being training and supervision and the second being police/public consultation.

Training for street level officers, linked with enhanced supervision by mid-level management (that is Sergeants and Inspectors), was intended to ensure that the nature of discretionary decisions by 'street level' officers did not overstep the bounds of propriety. As it was put in the Report the problem was one of ensuring that police recruits "receive proper guidance and supervision in discharging their difficult, delicate and indispensable function."⁷⁵ Training was intended to ensure that police practice 'on the ground' was directly in line with 'operational goals' defined at the policy level. It was hoped that by linking this training with enhanced and on-going supervision (that is surveillance) that it might be possible to overcome some of the negative aspects of police occupational culture.

Crucial to this was the establishment of an infrastructure for police/public consultation. The argument was that the Brixton disorders proved the need for such a rational infrastructure to 'enhance' the definition of operational goals. 'Swamp 81' and like police operations, which were decided upon as a matter of operational priority by police decision makers, created hostility amongst the public subjected to the operations. It was reported that senior police officers in Brixton had not been prepared to enter into consultation about police priorities or about such operations because they saw "consultation as a danger to the success of the operation, as well as an intrusion upon their independence of judgement as police officers."⁷⁶ The Report argued that mechanisms of consultation and accountability were important mechanisms through which

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the police could "keep in touch with" and remain "responsible to the public they police"⁷⁷

It was too late to 'keep in touch' for some. Labour MP Jack Straw, introduced two private members Bills into the House which failed. The legislation he proposed was drafted as amendments to the 1964 Police Act intended to establish and extend the powers and duties of police authorities in respect of the operations and organization of police forces, shifting the existing tripartite arrangements for control of the police between the police, police authorities and the Home Office.⁷⁸ The stated intention was to take power out of the hands of law enforcement officials and place control of policing policy and practice in the hands of representatives of 'the community'. This was a much more radical challenge to the sovereignty of police decision makers than Scarman's plans for consultative groups and, although futile, is testimony to the hotly contested nature of policing during the period.

At the same time local governments were also mounting concerted campaigns around the issue of police accountability. In London the GLC funded police monitoring. The establishment of this committee meant that the only British local authority with no powers to affect decisions within the police also became the only one to employ administrative staff working full time on policing.⁷⁹ Here again, the establishment of such monitoring is testimony to the political contestability of the policing institution during the period.⁸⁰

These challenges to the autonomy of police decision making were not without effect. Spokesmen emerged revealing the wide spectrum of opinion within the institution itself. James Anderton, Chief Constable of Manchester, frequently spoke to the nation through the press. He was the

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self-styled spokesman for 'hard' policing and his statements were always calculated to undermine the credibility and desirability of police monitoring efforts. His public statements were known for their alarmist rhetoric. A clear example is his response to criticisms of the use of police personnel and equipment in strike breaking activities. Anderton stated:

I sense and see in our midst an enemy more dangerous, insidious and ruthless than any faced since the Second World War. I firmly believe that there is a long-term political strategy to destroy the proven structure of the police and turn them into an exclusive agency of a one-party state. I am also convinced that the police service is now a prime target for subversion and demonstration. The people must not be tricked into dropping their guard or their standards, and chief constables must ensure that their forces are not infiltrated by undesirable people who could wreak havoc in the year ahead.⁸¹

This 'reds under the beds' kind of reasoning is a potent bit of oratory, but the value he was attempting to underscore was the idea that police officers of all ranks should only be held accountable to the law itself.⁸² He was a kind of 'Fordist' of the thin blue line, believing that the police had a job to do which was keeping the country from sliding into chaos. This, he believed, could be most efficiently done by a small number of Chief Police Officers planning and co-ordinating the policing strategy and tactics for the nation. To put this position in context it should be pointed out that T.A. Critchely, regarded as one of the more 'conservative' police historians, felt that the reduction in the number of forces, and the accompanying shrinkage of top level decision makers, eroded the mechanisms of accountability.⁸³

Anderton was not alone in making such views public. Eric St. Johnstone, a former Inspector of Constabulary echoed these alarmist

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statements. Indeed, St. Johnstone amplified the implications, suggesting that if local police authorities were becoming too insistent on local accountability, perhaps the time had come to elevate policing to a national level where real professionals could make informed decisions, and thereby diminish the effect of ill-informed lay people.⁸⁴

However, there also emerged spokesmen who spoke the same language as Lord Scarman. Such ideas were put forward most eloquently by Anderton's polar opposite John Alderson. I have previously mentioned that Alderson had reorganized the Devon and Cornwall force in what was put forward as a radical alternative to 'fire-brigade-policing'. This reorganization emphasized more 'direct involvement' by the police in the day-to-day affairs of the 'community' and made the police 'more visible'; it was 'soft' policing. To reiterate; the idea was that, by putting police back on their regular beats the community would come to know 'their' police officers bringing mutual trust and friendship. Alderson re-asserted the social service role of the police officer, in so doing the notions of a 'Police Service' as opposed to a 'Police Force' began to emerge.⁸⁵

With this came the notion that police 'services' should be more closely tied to the services of other agencies; social services, housing, health visitors etc. Inter-agency cooperation, or 'the multi-agency approach' as it came to be called, was developed by Alderson as an ideal situation where social workers, doctors, priests, community workers, teachers, academics, voluntary organizations and other experts could meet together with the police in order to identify problems in the community and, through shared information and collective enterprise, respond in the best interests of their clients.⁸⁶ Alderson's program was intended as an antidote to the reactive style that had developed in policing which had, in Scruton's words, "the

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finesse of a sledge-hammer", but it was never meant as a total replacement. Alderson's programme states:

Communal policing offers an alternative strategy to the power of ever-bigger police battalions, increased dependence on technology and undue reliance on the system of criminal justice as a preventive force . . . it provides a complementary element in a total police strategy which includes preventive patrols, incident cars, task forces and criminal investigation.⁸⁷

What was needed was a leader who was capable of working towards this 'total police strategy'. That leader was Kenneth Newman a man who personified both 'hard' and 'soft' policing. On the one hand, the new Metropolitan Police Commissioner had his 'hard' side which included experience in Northern Ireland with the RUC. Less often noted, but also evidence of his experience with 'hard' policing was his para-military experience in Palestine during Israel's war of independence.⁸⁸ However, Newman also seemed to have his 'soft' side. Reiner notes that he "avoided the high-profile politicking of his predecessors", while at the same time redirecting Force Policy "in the Scarman spirit."⁸⁹ This soft side also extended to entertaining ideas of Alderson's about the social service role of the police and 'community policing'.

Newman's soft side became most noticeable in the mid-1980s when he spoke about the criminal victimization of ethnic minorities and women. In the 1970s when these issues were being thrust into the media through the efforts of special interest groups like the Women's Aid Federation and Women Against Violence Against Women, the police had little to say on the matter. Indeed, neither did Newman when he first became Metropolitan Police Commissioner. In his 1983 Annual report he listed 'domestic violence' as a secondary duty and it was suggested that these calls for

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service be diverted to social services.⁹⁰ In his first years as Commissioner Newman talked about 'the pursuit of excellence' and the 'professionalization' of policing in relation to police-community relations. Initially Newman's energy was directed towards trying to 'harness public co-operation in reducing crime'. This meant a concentration on developing Neighbourhood Watch Schemes, police Consultative Committees and expanding the 'multi-agency approach'.⁹¹ However, the kind of crime that Newman targeted initially were the 'traditional' kinds of crimes, that is: robbery, burglary, and autocrime.⁹² His main attention was directed towards more traditional policing concerns, even if the language he used was somewhat of a departure. He noted that:

The police service has, to a large extent, become trapped in a reactive role, based upon an understandable and conventional preoccupation with crime committed. Last year I urged the Force to move towards a greater feeling for the preventive role, which accords readily with well documented research locating the vast majority of police work in the "service" functions peripheral to crime investigation.⁹³

His earlier year end reports indicate a creeping awareness of other avenues of action. For example, in his Report for the Year 1984 he noted:

Awareness of the compelling need for change in attitudes was heightened by management conferences, the monitoring of complaints against officers and by close scrutiny of media coverage of the Force. Our own observations were confirmed by the detail of the Police Studies Institute Report (Police and People in London November 1983) and by other research findings. Although there is a rewarding solidarity of support for the police service in general, including the Metropolitan Police, there is evidently scope for improvement in a corporate sense. We have addressed this need robustly.⁹⁴

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According to Newman, an example of this entailed "recognition by the Force of the problem of racially discriminatory behaviour by some officers." He stressed that the police must "make a conscious effort to assess the problem and to construct solutions." In all Newman declared that the Metropolitan Police had made a clear step "towards being a leading proponent of equality and human rights".

The 'soft' side of policing recognized that "police service plays a significant creative part in the community, fully complementary to its detective role."⁹⁵ The report for 1985 took the notions of 'service' even further. Racial incidents, that is crimes against the person with some 'racial motivation', were given a mention for the first time in that year. Newman stated that the "presence of racial motivation is an aggravating circumstance in any incident, justifying a high level of response by the police and is therefore regarded as having maximum priority by police managers when faced with conflicts in deploying their valuable resources."⁹⁶ In that same year he commissioned a police working party to investigate the problems of 'domestic violence'. The report for the previous year, 1984, did not recognize battered wives as a particular class of victim.⁹⁷

At the same time that Newman was talking about 'community relations' he was also involved with a reorganization of the structure of the Metropolitan Police. This 'restructuring' was partly a consequence of a growing trend in policing towards 'professionalization' of management. There also is some certainty that the motivation can be traced, at least in part, back to the Conservative Government's desire to apply quasi-market discipline to the public sector. In 1983 the Home Office issued police

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forces with Circular 114/1983 on manpower, effectiveness, and efficiency in the police service'. This reversed the trend, evident since 1979, which singled out the the police institution among public services for special treatment in terms of pay, manpower and total expenditure.⁹⁸ As an aside, circular 114 can be interpreted as another, perhaps the most serious, challenge to the sovereignty of police decision makers coming from the Home Office. The reorganization can also be said to include the growth of the 'community liaison branch', another method of 're-establishing links with the community'. This organizational shuffle threw the police institution into a state of flux making it difficult to evaluate many of the changes made during the period.

Of course, restructuring is not even the most significant change in policing of the 1980s. Policing in the middle part of that decade was also profoundly affected by the passage of the Police and Criminal Evidence Act (1984). Senior police officers stated at the time that the Act did not significantly change policing practice, claiming that it merely formalized standards of behaviour, conduct and method that were long standing. However, the Act was heavily criticized, in particular by the GLC Police Monitoring Unit, as an indication of a decisive shift away from police accountability. The contentious nature of this legislation is evidenced by the fact that it had to be drafted and brought before Parliament three times before it was passed. Lord Salmon stated publicly, after the second version of the Bill was announced in 1983, that the powers being granted to the police were far too extensive, likening the emerging status quo to a "police state". "Looking at this Bill" he said, "I don't even think it could be redrafted."⁹⁹ Robert Reiner notes that the final version of the legislation pleased neither police decision makers nor police critics.¹⁰⁰

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In 1986, the year the PACE went into practice, Jock Young *et al* noted a two pronged strategy of 'hard' and 'soft' approaches to policing in the 1980s. The hard measures included the PACE and increasing reliance on technology, especially as it related to computers and criminal intelligence. The 'soft' measures, those which were "designed to increase police contact with the community", included initiatives like the 'multi agency approach', Neighbourhood Watch, and community liaison panels. According to their analysis these were the two types of innovations "intended to deal with the crisis".¹⁰¹

It is important to remember that virtually every commentator on the police during this period, and they had multiplied beyond counting, made reference to the 'crisis in police legitimacy'. This sense of crisis was heightened during the period as the country watched the Miner's Strike of 1984-85 unfold. The nightly scenes of police battling with flying pickets, projected a very harsh version of the reality of policing in Britain.¹⁰² Following, as it did, on the heels of the Brixton disorders, the idea of the British police was more associated with the Nato helmet than that of the Bobby. I personally recall fire in the streets at night when the SPG, and its variants, 'policed' Wapping.

It is transparent that, faced with the enormous amount of bad publicity that policing earned in the first half of the decade, the manufacture of good publicity had become a matter of strategic necessity. It is a matter of conjecture whether a decision to manufacture such publicity was ever actually made, more so still, to speculate about the basis on which such decisions may have been arrived at. However, it should be noted that it was reported in the *Newstatesman/Society* in 1989 that the Metropolitan police had spent £150,000 pounds on a "glossy package from

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a firm of corporate identity consultants" one year previously and that there were plans to spend £2 million on "non-recruitment publicity" in the following year.¹⁰³ Reportage on matters relevant to policing had also changed with the times. During the 'golden age' it was scarcely necessary for police policy makers to target such areas for expenditure and, at that time, critical news coverage was restricted to sporadic reports of police malpractice. By the 1980s such news coverage encompassed not only an expanded awareness of the traditional areas of police malpractice and ineffectiveness but, also new concepts had been added to the critique; words such as 'sexism', 'racism'.

Further complicating matters was the rise of social scientific enquiry into the police and policing during the whole period. The number of studies of the police had increased enormously by the middle of the 1980s. When Banton conducted his field work in the 1950s, his was virtually the only such study. As such, in the absence of competing explanations, it could maintain an appearance of some kind of objectivity. Not so in the 1980s when 'police science' really came into its own. Not only did this engender the emergence of competing explanations, police policy makers also had to make sense of this cacophony. Further, many sought to contribute to it. Any account of specific changes in police practices during this period that does not take into account, in a fundamental and detailed manner, the growth in social scientific enquiry into policing, and its impact on policy makers, must be considered trivial.

Conclusion

In this chapter I have sought to narrate the history of the politics and practice of the police in the post-war era. What emerged is a fitful, but I

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hope not capricious, summary of some of the more salient issues in policing. While there may be gaps in this history it would seem that the *trend* towards a police force that is increasingly alienated from its social basis is evident. It seems that the structuring of police decision making by the Police Act in 1964 followed by the actual workings of the tripartite arrangements for the governance of the police at least partly contributed to this growing institutional isolation. It is also evident that the unintended consequences of the adoption of technological innovation and attendant structural change, exemplified by the installation of the unit beat system, also had their effect. Then too, the complex dynamic set up between formal agents of social control and criminal rule breakers in a period of extended overall economic contraction deserves a mention. Whatever the relative weight which may be assigned to any of these variables the resulting trend is hardly contestable. 'Legitimation crisis', that well worn phrase, is, after all, frequently on the lips of those who study the police. They, too, must be given consideration. Over this period the large growth in commentary on the police and policing, some of it critical some of it aggrandizing, not just in the journalistic realm but also in the academic and policy making circles, also contributes to the general climate of change.

It was in this maelstrom that the issue of the policing of domestic violence emerged. In the next chapter I shall consider the treatment of the issue of the policing domestic violence in a number of reports, by interested agencies and in the media, as it emerged in 1986. This constitutes, in fact, the final translation of the issue of 'domestic violence' into the language of 'crime and policing'.

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- 1 Foucault M. The Archaeology of Knowledge translated by Sheridan Smith, Tavistock Publications ©1972 pg. 51
- 2 *ibid.* pg. 8
- 3 Reiner R. The Politics of the Police Wheatsheaf Books, Harvester Press Ltd. © 1985 pg. 4
- 4 *op. cit.* Reiner, 1985; also Morris T. Crime and Criminal Justice since 1945 Basil Blackwell © 1989
- 5 quoted in Banton M. 'Law Enforcement and Social Control' in The Sociology of Law V. Aubert ed. Penguin, Harmondsworth © 1973 pg. 138-9
- 6 One is tempted to imagine the implications of this for instances of violence within family units. My own field work brought me into contact with a retired police officer who served in a northern police force in the 1950s. He recounted the usual approach to incidents of wife battery which 'always involved drink.' The usual tactic was to drop the drunken and irate husband off on the other side of the city. "On a Friday morning at three o'clock the town centre would be alive with them as they crossed the city on foot on their way home. But by the time he got there he'd be sober." (from field notes)
- 7 *op. cit.* Banton, 1973 pg. 131
- 8 Between 1956 and 1959 chief officers in Cardiganshire, Brighton and Worcester had been arraigned for maladministration and criminal offences. The Chief Constable of Nottingham was sacked by his Watch Committee only to be reinstated by the Home Secretary. In the House of Commons the Home Secretary himself was criticized for trying to buy off a litigant who had brought an action against a Metropolitan police officer. During the parliamentary exchanges that followed these events of the late 1950s the appointment of a Royal Commission was announced.
- 9 See: Mark, R. In the Office of Constable Collins London © 1978 where he affords a view of police interrogation 'techniques' stretching back to the pre-war years. Indeed, during the late 1930s he seems to have had little fear of being accused of unwarranted police brutality. He apparently carried a concealed rubber truncheon as a matter of routine with which he admits to breaking limbs.(pg.28) In the post-war years interrogation was no less violent and Mark records that at times his 'hair stood on end'. Ultimately, these malpractices were understandable, at least according to Mark, 'in the context of policing at the time'.(pgs. 51-55) See also: Hobbs D. Doing the Business Clarendon Press Oxford © 1988
- 10 Morris T. Crime and Criminal Justice since 1945 Basil Blackwell Oxford © 1989 pgs. 62-64. Morris goes on to say that "the idea was abroad that there was a potential conflict between police powers and civil liberty, and the constitutional implications were almost self-evident." meaning that the revelations about police malpractice led directly to consideration of the need for a Royal Commission.
- 11 Reiner records that the immediate trigger for the Royal Commission "was none of the grave matters". Rather, it was a Whitehall farce involving a comedian named Brian Rix, a speeding car, an un-named civil servant, and a PC Eastmond. While it is undoubtedly true that this incident provided the immediate 'trigger' I am sure that the previous scandals were the real cause. In this sense any causality assigned to the 'Rix Affair' is akin to the assassination of Archduke Francis Ferdinand starting World War One.
- 12 Ian Taylor 'Soccer Consciousness and Soccer Hooliganism' in Images of Deviance, S. Cohen Ed. Penguin Books © 1971

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- 13 This is a largely undocumented part of recent British social history. There is room here for a substantial contribution to be made by oral historians since many of the victims of this kind of harassment are still alive and living in Britain. Most discussions of racial harassment of black people by indigenous whites begin in the 1960s since it is then that Black people began to organize to make their victimization public. It is also at this time that overtly racist organizations and personalities began to get public attention. Until an investigation of the facts of black peoples lives in England is made it must be assumed that the conditions that gave rise to the intense political debate of the 1960s were manifest much earlier and, further, that these conditions did create problems for operational policing, although the number of visible ethnic minorities in the early 1950s was not that great outside a few metropolitan regions.
- 14 Kettle M. and Hodges L. Uprising! The Police, the people and the riots in Britain's cities Pan Books Ltd. © 1982 pg. 43 It is worth pointing out, as Stuart Hall has done, that the race riots of 1958 were the focal point of two issues: 'race' and 'youth' and were the product of two histories. One being the development of 'popular racism', the other that of the panics about post-war changes generally, "for which the term 'youth' had by then become a vivid social metaphor." See 'Racism and reaction' in Commission for Racial Equality, Five Views of Multi-Racial Britain, CRE, 1978.
- 15 The anti-nuclear movement was subject to 'overpolicing' almost from the very beginning. In April of 1961 3,000 policemen were detailed to police a meeting of 2,000 anti-nuclear activists. Although the focus of the movement at the time was centered on non-violent protest the police still found it necessary to arrest 800 of the demonstrators. See Manwaring-White S. The Policing Revolution; Police Technology, Democracy and Liberty in Britain Harvester Press Ltd.
© 1983 pg. 20
- 16 Royal Commission Report on the Police 1962 paragraph 102
- 17 quoted in Whitaker B. The Police Penguin Harmondsworth © 1964 pg. 13
- 18 *ibid.* pgs. 13-14
- 19 *ibid.* pg. 15
- 20 *ibid.* pg. 14
- 21 *ibid.* pg. 15
- 22 both quotations cited in Whitaker pg. 15
- 23 McCabe S. and Wallington P. The Police Public Order and Civil Liberties Legacies of the Miner's Strike Routledge London © 1988 pg. 39
- 24 Phil Scraton reported that "In practice, reports are rarely refused but their content and thoroughness is dictated by chief constables' discretion." See Scraton P. The State of the Police Pluto Press London © 1985 pg. 53
- 25 In 1968 Lord Denning ruled that a chief constable "is not a servant of anyone save the law itself. No Minister of the Crown can tell him that he must, or must not, keep observation on this place or that; or that he must, or must not, prosecute this man or that one. Nor can any police authority tell him so. The responsibility for law enforcement lies on him. He is answerable to the law and the law alone." Quoted in P. Hewitt, The Abuse of Power, Martin Robertson London © 1982
- 26 *R vs Metropolitan Police Commissioner, ex parte Blackburn* (1968)
- 27 *op. cit.* McCabe and Wallington 1988 pg. 41

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- 28 For a discussion of trends in interpersonal violence see Kinsey R., Lea, J. and Young, J. Losing the Fight Against Crime Basil Blackwell Oxford © 1986. An interesting discussion of student use of political violence is Paul Rock's and Frances Heidensohn's 'New Reflections on Violence' which can be found in a collection edited by David Martin entitled Anarchy and Culture: the Problem of the Contemporary University Routledge and Kegan Paul © 1969 The reader has already been referred to sources dealing with policing soccer fans (footnote 5), black people (footnote 7) and CND protesters (footnote 9).
- 29 For some insight into the problems of racist violence and the intense alienation between the police and members of virtually all 'visible ethnic minorities' see Kettle and Hodges 1982 , pgs. 64-97
- 30 According to Robert Reiner the loss of confidence of "certain small but crucial sections of the influential and articulate 'talking classes', what may be described roughly as *The Guardian* reading circles" is of particular significance in this respect. Reiner 1985 pg. 81-82
- 31 Cain, M. 'On the Beat: Interactions and Relations in Rural and Urban Police Forces' in Images of Deviance Stan Cohen ed. Harmondsworth Penguin © 1973
- 32 Some amusing tales regarding the lengths that police constables would go to to cover each others easing behaviour, especially as it regarded drinking on duty, have been recounted by Mike Seabrook in Coppers - An Inside View of the British Police Harrap London © 1987 see especially pgs. 75-80
- 33 During my own field work I came across mention of such behaviour. One police officer recounted to me a story of being a young probationer in the company of a more experienced officer on early morning patrol. It seems the teacher gave an interesting lesson one particular morning. He purchased a crate of milk which he took and distributed to a large group of vagrants camped out under a bridge. The two officers returned shortly after the gesture of goodwill whereupon the vagrants were all arrested for theft of the milk. The officer recounting the story noted the fact that each person arrested was charged with theft, rather than the entire crate being considered one theft. In this way there were as many arrests as there were 'bodies', making for a high count which boosts arrest statistics. Theoretically this is good for an officers promotion prospects.
- 34 The shoulder insignia of members of the SPG, CO, indicated that their direction came from the Commissioner's Office. Their original brief was to provide highly mobile support units which could be brought in to saturate the scene of any serious public disturbance. Details of the existence of the SPG were never made public until after the fatal shooting of two men by armed SPG constables in 1973. Throughout this period of secrecy, between 1965 and 1973, the SPG were deployed and utilized at every major public order disturbance including the student disorders of 1967 and 68, the industrial disputes at Upper Clyde ship builders, and the Saltley Coke Works, and other such events too numerous to mention here. See: Manwaring-White 1983 pgs. 41-47 see also Hobbs D. Doing the Business Clarendon Press Oxford © 1988 pgs. 79-83 for very interesting and accessible discussions of this history.
- 35 The details of the Challenor scandal have been documented elsewhere. See Ascoli, D. The Queen's Peace Hamilton Press London © 1979; Critchley, T. A History of Police in England and Wales 1900-1966 Constable Press London 1978; Morris T. Crime and Criminal Justice since 1945 Basil Blackwell Oxford © 1989 and Hobbs D. Doing the Business Clarendon Press Oxford © 1988
- 36 Hobbs D. Doing the Business Clarendon Press Oxford © 1988 pg. 79-83

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- 37 *ibid.* pg. 80
- 38 *ibid.* pg. 80
- 39 *ibid.* pgs. 70-71
- 40 *ibid.* pg. 68
- 41 Cain, 1973 pg. 94
- 42 Holdaway S. Inside the British Police, Basil Blackwell, Oxford © 1984 pg.121
- 43 *ibid.* pg. 126
- 44 *ibid.* pg. 128
- 45 Most provincial forces now have units similar to the SPG, although under different names (eg. Territorial Support Group TSG), all of whom are specially trained in riot control, the use of firearms, CS gas and other crowd control technology. Since 1974 all forces have formed Police Support Units (PSU) for the control of crowds, strikes and demonstrations. Each comprises 23 officers (an inspector, two sergeants and 20 constables), all of whom are most usually engaged in more mundane aspects of policing, many as Resident Beat Officers. However, through the coordination of the National Reporting Centre which was established in 1972 at Scotland Yard, the PSUs are readily mobilizable and deployable anywhere in the country. See Manwaring-White, 1983 pg. 41
- 46 It has been noted that officers organized in the SPG view the activities of members of the public through a different 'normative prism' than do resident beat officers (RBOs), that is, officers engaged in routine beat work. The differences in the 'normative prisms' operationalized by these different types of officer account for complaints by SPG officers that divisional officers frequently 'ignore' offences and, from the divisional side, that SPG officers 'arrest for nothing'. The thrust of this argument is that officers trained and deployed in the SPG, or other similar 'hard' policing units, are more likely to arrest for what are trivial offences. One implication can be drawn from this, that, as the British police became more relatively devoted to this type of policing, so too did the relative number of officers sharing the normative prism of 'hard' policing. See: Grimshaw R. and Jefferson T. Interpreting Policework: Policy and Practice in Forms of Beat Policing Allen and Unwin London © 1987 pg. 164. What has not been asked, in the context of concrete sociological field work, is the nature of the 'normative prism' of officers who do both kinds of work, as in the officers who make up the PSUs.
- 47 Steven Box also noted that in 1970 only 25% of the verdicts in police custody were categorized as 'misadventure' and 'accidental', such verdicts had risen to 50% of the total returned by 1980. Box also tried to build a case that this police brutality is disproportionately directed against economically marginalized populations, in particular 'black' and other 'ethnic' minorities. Unfortunately, statistics pertaining to police violence against members of the public by race are not available in Britain. Box had recourse to American statistics, which he argues may be different in magnitude, due to the ubiquitousness of firearms in American police forces, but that the pattern would not "differ greatly from that in England and Wales because the social structures, i.e. economic and ethnic inequalities are not dissimilar." For a discussion on police brutality see Box S. Power Crime and Mystification Tavistock Publications New York and London © 1983 pgs. 82-90
- 48 The reader will recall that this is the era in which Women Against Violence Against Women became active, resulting in a series of minor confrontations between the police and members of that 'movement'. See chapter four.

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- 49 The week-long confrontation at Saltley, involving nearly 1,000 police and up to 15,000 pickets, at times produced a fierce battle. Brendan Sewill, special adviser to the Chancellor of the Exchequer said at the time: "Many of those in positions of influence looked into the abyss and saw only a few days away the possibility of the country being plunged into a state of chaos not so very far removed from that which might prevail after a minor nuclear attack.....this is the power that existed to hold the country to ransom: it was fear of that abyss which had an important effect on subsequent policy. See: Scraton P. The State of the Police Pluto Press London © 1985 pg. 142-143
- 50 This unit was to coordinate a national response to large scale industrial unrest. It included not only steps to insure coordination of large numbers of suitably equipped police officers but also the introduction of new strategies and tactics in public order policing. See: Manwaring-White 1983 pgs. 37-38
- 51 op. cit. Box, 1983 pg. 108
- 52 Brogden M. Jefferson T. and Walklate S. Introducing Police Work Unwin and Hyman Ltd. London © 1988 pg. 87
- 53 As an aside, the effects of an empire in decline are an unarticulated and *a priori* assumption here. It is no secret that, at a macro-social and macro-historical level, the British Nation State has been contracting at an accelerated pace since after World War Two. I assume that this contraction implies the intensification of social divisions as the competition over scarce resources becomes more fierce. Probably this assumption should be tempered with a notion of 'relative deprivation'. Then, too, such problems are likely to be exacerbated in London 'that cesspool into which all the dregs of empire drain.' We must remember that many of these problems were felt much more intensively in London than elsewhere. This means that the problems, such as they were, may have been felt by only a minority of the British population. But if that minority lives in London and is vocal enough it can make waves. Such a line of argumentation has also been pursued by Robert Reiner. He discusses 'structural pressures for conflict' pointing out the "de-incorporation of sections of the working class population who are being defined out of the edifice of citizenship". He notes an attendant weakening of 'traditional normative controls' all of which means that any changes in police style cannot hope to achieve their re-legitimation without an attendant reversal of the structural pressures. See: Reiner R. 'The politics of police research in Britain' in Police Research: Some Future Prospects Mollie Weatheritt ed. published in Association with the Police Foundation by Avebury, Aldershot England, © 1989 pg. 7
- 54 Hall S., Critcher C., Tony Jefferson T., Clarke J., Roberts B. Policing the Crisis Mugging the State and Law and Order Macmillan Education Ltd. London © 1978
- 55 There are some important objections that can be made to this line of argumentation. For example, it has been pointed out that white citizens' racial prejudice may make victims label attackers disproportionately as black, leading the police to search for black suspects. A senior policeman remarked during the Scarman Inquiry, "if an offender is described as black the police do not look for a suspect who is white." (quoted in Waddington P.A.J. 'Black Crime, the "Racist" Police and Fashionable Compassion' in The Kindness That Kills D. Anderson ed. SPCK London © 1984 pg.42) Further, it has been argued that the police are unjustly vilified for what are essentially reactive interventions and, also, that if studies of police culture reveal hostile attitudes to minority groups this is the product, not the determinant, of police work. What has also been intimated is that ethnic minorities that are criminalized, in particular

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young black males, are as a social group, subject to a higher degree of deviancy (see Waddington P.A.J. Are the Police Fair?, Research Paper No. 2 Social Affairs Unit, London 1983). None of this, it seems to me is contradicted in substance by the thesis put forth in Policing the Crisis. In fact, Hall *et al* put forth a cultural argument about the nature of resistance in the Afro-Caribbean community which shows in detail how the subordinate position of black people in the labour market, the housing market, etc. leads quite naturally to such a situation. The difference is, of course, that Hall *et al* show a modicum of sympathy for 'the hustle' that other commentators eschew.

- 56 Robert Reiner records that "we have now moved to a position where the police, at all levels from Chief Constable down to the rank and file, *seek to set the terms of debate* on law and order and social policy." According to him this change was "heralded by the 'Markist' revolution at Scotland Yard. . ." (emphasis mine J.S.) Reiner, 1985 pg. 73
- 57 Pratt, M. Mugging as a Social Problem, London, Routledge © 1980
- 58 Hall *et al* , 1978 pg. 390
- 59 Reiner reports that "in 1975 the Police Federation launched an unprecedented campaign for 'law and order'" aimed at harnessing "the public's growing concern about the state of crime and public order in Britain into a program for positive action." He goes on to say that the campaign was relaunched again in 1978 with the specific intent of influencing the 1979 election. He points out that, although police spokespersons were careful to deny any affiliation to a particular party there were "close parallels between police statements and the Conservative Party's declarations on law and order during the campaign." Police statements included a £21,000 series of advertisements in most national newspapers which "... proved to be an investment which reaped handsome dividends" according to Reiner who goes on to point out that, on the first working day after the election, the new government implemented the full pay increase recommended by the Edmund-Davies committee resulting in a flood of new police recruits. See Reiner, 1985 pgs.73-76
- 60 See Morgan R. and Smith D.J. Coming to Terms with Policing - Perspectives on Policy, Routledge London and New York © 1989
- 61 Simon Holdaway has reflected on this point, making the observation that "Universities are increasingly dependant upon external funding for their research work and are partly evaluated by the University Grants Committee according to the ability of their staff to attract research grants from external sources. Understandably, scholars now spend increasing amounts of time writing research proposals. 'Relevance', 'evaluation' and 'monitoring' form the sacred canopy of this academic age." See Simon Holdaway 'Discovering structure; studies of police occupational culture' in Police Research: Some Future Prospects Mollie Weatheritt ed. published in Association with the Police Foundation by Avebury, Aldershot England, © 1989 pg. 66 Although Holdaway's assertion is undoubtedly true, his argument, as far as it pertains to the stress on 'policy driven' research as opposed to police research driven by 'sociological theory' is not compelling. The problem, at least as it appears to me, is that he fails to connect changes in the practice of police research and changes in police 'occupational culture', particularly in management circles, at the theoretical level. Because his sociological perspective leads him to concentrate on the self understandings (and, perhaps, misunderstandings) of social actors he cannot not illuminate the connection between police research and the practice of policing. In particular, Holdaway seems to have missed the point that police research, particularly but not exclusively that which is carried out by police

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managers, can be an important mechanism of surveillance of 'front line' police officers. The point I wish to make here is that police research and policing are covalent. Foucault's metaphor of the 'carceral archipelago', where all social subjects become the object of surveillance and, indeed, participate in their own surveillance, is applicable here. To ask that police research not allow its 'sociological foundations', by which Holdaway seems to mean 'sub-cultural theory', to be eroded is to miss this point. Even if such research is allowed to proceed unfettered, which, for Holdaway at least, seems likely, such research will still continue to be an important part of a larger social machine dedicated to surveillance and control of its subjects. Gone are the heady days when sociologists could assume the intellectual space of an anthropologist from a different 'world' peering at the police institution. Police science has been thoroughly incorporated, it is in its very essence, a 'discipline'. Any investigation of the police and policing must give full attention to the connections between that institution and apparently independent social scientific edifice which 'studies' it.

62 Kettle and Hodges 1982 pg. 93

63 Scarman, Lord the Brixton Disorders, 10-12 April 1981, London HMSO 1981 pg. 46 para 4.1

64 *ibid.* pg. 46 para 4.2

65 *ibid.* pg. 98 para 5.74

66 *ibid.* pg. 75 para 5.3

67 *ibid.* pg. 75 para 5.3

68 Baldwin, R. and Kinsey, R. *Police Powers and Politics* Quartet Books London © 1982 pg. 245

69 Scarman 1981 pg. 88 para 5.45

70 *ibid.* pg. 88 para 5.46

71 *ibid.* 68 para 4.80

72 *ibid.* pg. 67 para 4.75

73 Reiner, 1985 pg. 77

74 Scraton 1985 pg. 139. It should be also be noted that some police researchers make the claim that empirical investigation does not verify such a pessimistic view. See 'Policing by Consent: legitimating the doctrine' by Rod Morgan in Coming to Terms with Policing - Perspectives on Policy, R. Morgan and D. Smith eds. Routledge, New York and London © 1989

75 Scarman, 1981 pg. 85 para 5.36 and pg. 86 para 5.37

76 *ibid.* pg. 67 para 4.73

77 *ibid.* pg. 93 para 5.57

78 Reiner, 1985, pg. 194

79 Kettle M. 'The Police' in Developments in British Politics Drucker H., Dunleavy P. Gamble A. and Peele G. eds. Macmillan London ©1983 pg.203

80 The GLC initially funded the Police Committee Support Unit until March of 1986. After the abolition of the GLC this work was continued by the Police Monitoring and Research Group of the London Strategic Policy Unit. Between July 1982 and March of 1988 a regular monthly news letter running anywhere from 16 to 28 A4 sized pages was produced. These newsletters represent a continuous source of alternative and highly critical information about the police. Importantly, these newsletters concentrated attention on 'racism' and 'sexism' as problems for, and of policing, as well as more 'traditional' concerns such as 'police brutality'. Included was information about police weaponry and its uses and abuses. The GLC monitoring efforts also produced a number of official Reports and several Guide Books including: Briefing Paper No. 1

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The Police Response to Domestic Violence © 1986, Briefing Paper No. 2 Police Accountability and a New Strategic Authority for London circa 1986, Briefing Paper No. 3 Policing Wapping and Account of the Dispute 1986/7 circa 1987 Briefing Paper No. 4 Police Complaints A Fresh Approach, © 1987. These publications gave details about the structure of the Metropolitan and other 'insider' details seldom available to members of the public. Other publications were produced about the Police and Criminal Evidence Act (and its precursors) and the structure of the Metropolitan Police. Altogether, these Reports, Guides and News Sheets made the practice of policing more open to public scrutiny than it had ever been. Senior level police officers have told me that many GLC publications were read and discussed, although the police never publicly acknowledged this "because it would have meant acknowledging the accountability issue" (personal communication). One officer told me that the GCL Police Committee's 'Guide to the Met' was used as a training document in Intermediate Command Courses at Bramshill Training College. The production of this information by the GLC was seen as a 'political challenge' according to several officers with whom I have spoken. In Christian L. The Police and Criminal Evidence Bill - Policing by Coercion GLC Support Unit © 1983 pg.8-9, the practical aim of this information war was to completely restructure the decision making apparatus for the police.

- 81 quoted in Scraton, 1985 pg. 85. The use of police equipment and personnel apparently extended to the use of police helicopters to airlift in armed police personnel and airlift out 'supplies' from a factory which had been effectively closed by workers picketing.
- 82 Anderton also claimed publicly to talk to God and there may be some who would take this to mean that he advocated that Chief Police officers should be held directly accountable to an even higher power.
- 83 Critchely T.A. A History of Police in England and Wales Constable Press London © 1978 see also Scraton, 1985 pg. 122
- 84 Scraton, 1985 pg. 122
- 85 On this point it should be remembered, as Reiner points out, that during the nineteenth century " the encouragement of the service role was an effective device in [securing] police legitimization." (pg.76) Perhaps Alderson's 'community policing' could be regarded as a replay of policing strategies of the late 19th century during which, as Ignatieff noted, "street by street individual police officers negotiated a complex, shifting largely unspoken 'contract'", Ignatieff M. Police and People: The Birth of Mr. Peel's Blue Locusts pg. 444-45 (quoted in Reiner 1985)
- 86 It is hard not to share Cohen's visions of the Leviathan growing in strength as it installs itself in the shop fronts of the community when confronted with this vision of the 'multi agency approach'. See Cohen S. Visions of Social Control Polity Press Cambridge © 1985. The most important point to should remember is that Anderton's 'liberal' vision did not include demobbing the SPG or the PSUs. His vision of community policing never included diminishing the power of the police 'Force' in order to enhance the power of the police 'Service'.
- 87 op. cit. Scraton, 1985 pg. 125
- 88 op. cit. Hobbs, 1988 pg.81
- 89 op. cit. Reiner, 1985 pg. 76
- 90 Police Monitoring and Research Group Briefing Paper No. 1 The Police Response to Domestic Violence © 1986 The London Strategic Policy Unit

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- 91 Of some interest here is the implementation of Neighbourhood Watch schemes. It has been reported that these schemes were rushed into implementation without first conducting pilot studies. The official explanation at the time noted that, while "pilot schemes would in ordinary circumstances be desirable and provide some valuable lessons for the future, the urgent need to make an impact on residential burglary and at the same time take advantage of the perceived public enthusiasm is paramount." As a result Neighbourhood Watch was launched on a Force wide basis six months after the results of the original fact finding mission to the United States were published. Findings of independent investigation two years after implementation indicated that there were "no improvements in reporting rates; clear-up rates; the quantity or quality of telephone contacts from the public to the police; fear of personal victimization; perceived probability of victimization or public evaluation of the police." The investigations were conducted in two areas and it was reported that "there were no improvements in Acton in home protection behaviour and no improvements in Wimbledon in fear of household crime or sense of social cohesion." In their conclusions the authors indicate that the problem seems not to reside with the theory of Neighbourhood Watch but rather with poor implementation. They report that "In many ways the police have found it hard to provide the resources necessary to manage these schemes and in many areas they are finding it difficult to deliver the goods." The implication seems to be that, in the rush to be seen to be doing good, Neighbourhood Watch was, in fact, a hastily implemented program. The results were held to be a poor reflection on their North American counterparts. See 'The Neighbourhood Watch Experiment' by Trevor Bennett in Coming to Terms with Policing Perspectives on Policy R. Morgan and D. Smith eds. Routledge London and New York © 1989
- 92 The Report of the Commissioner of the Metropolis for the Year 1984, Her Majesty's Stationary Office, London 1985 Cmnd. 9541 pg. 129
- 93 *ibid.* pg. 19
- 94 *ibid.* pg. 18 It should be noted that this rather bland summation of the PSI Report is in contrast with other, widely circulated, broad summaries. One general history of the era commented on "a report on the Metropolitan police by the Policy Studies Institute, a 400-page document which had been commissioned by the Metropolitan Police Commissioner himself, [which] condemned them as bigoted, racist, sexist, bored, dishonest and often drunk." See Sked A. and Cook C. Post-War Britain Penguin Books © 1979 pg. 353
- 95 Commissioner's Report for 1984, pg. 20. In this respect it is interesting to note that the SPG was expected to take an active role in 'community involvement': "Operational involvement in searches and major crime enquiries has been supplemented by participation in police open days and school visits. The Group's officers have been involved with charities for a variety of good causes, and these kinds of activity, together with their more active role in crime prevention, have helped to establish the Group in local communities as an effective and positive element of policing." pg. 76.
- 96 The Report of the Commissioner of Police of the Metropolis for the Year 1985; A Police for the People Her Majesty's Stationary Office London 1986 Cmnd. 9790 pg.22-23 It should be noted that the format of the Commissioner's Report changed drastically in this year. The drab traditional blue covered year end report was replaced by a glossy brochure. For the first time the Report had a photograph on the front cover. The one chosen is instructive; it featured a uniformed WPC and a Black PC laughing and chatting with two mothers and their toddlers in an idyllic setting.

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- 97 The Commissioners report for 1984 revealed that forty percent of all recorded offences of violence against the person involved persons related or known to each other. Other than noting that these cases provided "serious complexities of evidence and a substantial level of paperwork" there is no indication of any awareness of 'domestic violence' as a problem. The Commissioner's Report for the following year (1985) announced that a 'working party' had been formed to investigate the issue of 'domestic violence'. According to an officer I spoke to who was in the Community Relations department at the time, the Commissioner's primary concern when he commissioned the Working Party was about the number of officers injured during calls relating to 'domestics' (personal communication to author) This would seem to indicate that the issue was not, in the first instance, a matter of concern about 'community relations'. Rather, it, too, emerged out of a 'traditional' concern of police managers about the safety of front line police officers. In 1986 the year end report announced that Dr. Susan Edwards "a national expert in this field" had been carrying out research into the problem over the previous two years and that policy guide-lines would be forthcoming in the following year. In 1987, Peter Imbert's first year as commissioner, it was noted that the "average monthly figure for domestic disputes with female victims formally recorded by the police rose from 84 to 199 in the second half of 1987" after the announcement of a 'Force Order' pertaining to the recording of such incidents. However, in that year the statistics for violence against the person did not include specific details of 'domestics'. In 1988 the statistics pertaining to violence against the person were still presented without detailing victim-suspect relationships. However, the Commissioner was able to report in that year that, because of the new emphasis on "follow-up visits and close contact with the victim and increased confidence in police activity" there was a 42% rise in reported incidents. Additionally it was reported that the clear-up rate had risen by 83%. However, the statistics for violence against the person were still presented without reference to the relationship between the victim and suspect.
- 98 The conservative government had been elected, at least partially, on a law and order platform. One of its first acts after coming to power in 1979 was to implement in full the Edmund-Davies recommendations on police pay. The result was that in the four years to 1984-85, pay in the police service increased by 16 percent in real terms. Police manpower also grew at a much faster rate during these years than the rest of the public sector rising an average of 11% from 1978-82. See Horton C. and Smith D. Evaluating Police Work: An Action Research Project Policy Studies Institute © 1988 pgs. 6-13
- 99 Quoted in Christian L. The Police and Criminal Evidence Bill Policing by Coercion GLC Police Committee Support Unit © 1983
- 100 op. cit. Reiner, 1985 pg.169 He goes on to note that accountability cannot be foisted upon the police and that heavy handed attempts to do so may have a counter-productive effect. pg.178
- 101 Kinsey R. Lea J. and Young J. Losing the Fight Against Crime Basil Blackwell Ltd. Oxford © 1986 pg.35
- 102 The National Council for Civil Liberties almost produced a report on the miners strike. The results of the investigations were subsequently published independently by the investigators themselves. The central thesis of their report is that "the system of policing is in urgent need of review." They go on to say that "The problem has two major strands. Evidence as to the policing of the miners' strike during 1984 and 1985, supplemented by subsequent developments, indicates mistaken emphases in the approach to policing situations of potential disorder, especially industrial disputes, embracing training, assessment of priorities and

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policing strategies. In short we shall argue that the police are pursuing the wrong priorities. Underlying this is the second and more serious concern: the collapse of the tripartite system of police accountability. This together with continuing weaknesses in the control of improper police behaviour by means of courts and thorough, independent investigation of complaints, leaves the British police almost uniquely, and dangerously excluded from effective democratic accountability." Perhaps it should be pointed out that the report's authors are not easily accused of left wing bias, including as they do a Leverhulme Emeritus Fellow and former Senior Research Officer at the Centre for Criminological Studies at Oxford a former Police Chief Constable, and a former General Secretary of the National Council for Civil Liberties. See McCabe S. and Wallington P. with Alderson J. Gotsin L. and Mason C. The Police Public Order and Civil Liberties Legacies of the Miners' Strike Routledge London and New York © 1988

- 103 'Polish for the Copper's Face' Newstatesman/Society vol. 2 No. 447, April 1989 Such 'corporate identity packages' including 'mission statements' and measures to improve public image were, by no means, restricted to the Police institution during this period. When accounting firms, not noted for promoting glamorous images of themselves, such as Authur Young, and large stock brokerage firms such as Merill Lynch can be seen spending large sums of money on developing an improved corporate identity and the board rooms of Multi-National Oil Companies debate the relative merits of this or that new logo it is probably safe to say that such spending is part of a larger social trend.

*Sugar babe sugar babe
It's all over now
Went down town bought me a line
Whipped my baby 'til she changed her mind
Sugar Babe I'm tired of you
You don't treat me like you used to do
Sugar Babe Sugar Babe it's all over now*

Mance Lipscomb

The Consolidation of the Criminalization Discourse

Introduction

Looking at the issue of wife battery, we can see that it evolved slowly as it was articulated by different people from different institutional stand-points. The reader will recall that Erin Pizzey, the first figurehead of the battered women's movement, explained in *Scream Quietly or the Neighbours Will Hear* how the role of the house in Belmont Terrace developed. According to her, it was not immediately apparent to the women involved that there was a need for a service for battered women. Beaten and bruised women began to trickle in, in need of shelter and protection from violent husbands, with no money and no place to go. As these women arrived, Chiswick Women's Aid became something really new: a Women's Refuge. The idea of refuges for women as a means of addressing the violence of men within the nuclear (some would have said patriarchal) family setting, dominated the efforts of feminists organizing on this issue, particularly those in Britain, up until the early-1980s. Refuges were to provide a living space for women victims of violent men, a space where they could overcome the physical and emotional scars of that violence and gain the skills necessary to make lives for themselves; all in cooperation with other victims of male violence. It was a strategy for overcoming violence which was not predicated on punishment of the offender, rather, it was based on the idea that the most fundamental need was to 'empower' the victim.

By the end of the 1980s the issue of domestic violence had become an issue of 'law and order'. In her book *Policing Domestic Violence*, Susan Edwards put forward the new version. In her words, the "first step sought by most feminists (and there does seem to be agreement here) is the

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criminalization of all cases involving evidence of injury."¹ It was shown in chapter four that some social scientists in the United States and Canada claimed to have proven that arrest, in and of itself, was a deterrent to further violence in cases of wife abuse, lending credence to the argument for criminalization.

If this development in the discourse is seen in the light of section 80 of the Police and Criminal Evidence Act (1984) which, when it was put into general practice in 1986, made spouses compellable witnesses in cases involving their partners, certain consequences for the concept of 'empowerment' emerge. The compellability clause caused some consternation in the media when its use resulted in the jailing of a 24 year old secretary for seven days for contempt of court when she refused to testify against her former boy-friend in an assault case.² The issue of violence against wives, as it was first manifest in the 1970s, was based on an ideological position that male violence could be overcome only by the active participation of women in that process. Upon entering the 1990s we find the the issue of domestic violence articulated in a different way; it has been translated into the discourse of law and order. It appears that the issue is no longer predicated on 'empowering' individual women, or even women collectively, rather, the power of the legal system is invoked. Women are no longer 'empowered', they are 'protected'.

The task of this chapter is to re-create the historical moment when this translation, from a predominantly refuge based practice, based on the concept of 'empowerment', to a predominantly law and order based practice, based on the concept of 'protection', was achieved. In chapter four I showed that, during the first years of the 1980s, the 'Battered Women's Movement' in Britain was motivated very strongly by the

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Sutcliffe murders, and particularly by the media portrayal of them. At the same time, the movement was beset by internal problems of factionalism and by limited cooperation, if not outright hostility, from state agencies. Faced with an apparent urgent need to 'get something done', many feminists in Britain began to consider how to use State organs, in particular the criminal justice system, to address the problem. Some feminists began to put concerted pressure on the police at this time but, as we saw in chapter five, the history of police politics and practice was moving on its own trajectory. This historical moment as far as it pertains to the police, is the 'post-Scarman era', an era of profound challenges for the legitimation of policing.

Politics, policing and domestic violence in the post-Scarman era.

In the last chapter we saw the emergence of 'community policing' as a recipe for overcoming the problems that beset the institution. Kenneth Newman, the first Metropolitan Police Commissioner of the 'new age', was particularly concerned to tap "that sense of civic responsibility essential to a police service which sees itself firmly rooted in a consenting community rather than as a police force imposed upon an unwilling people."³

Newman's task, to rekindle the faith of the British public, was not a simple matter. Perennial announcements of rising crime statistics, coupled with falling 'clear-up rates', and the enduring problems of police malpractice bedevilled efforts at 'public relations'. At the same time, the increasing paramilitary role played by police was disconcerting, at least to some sectors of the British public. When the Home Secretary announced in 1983, in response to a parliamentary question, that 5,000 baton rounds

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(plastic bullets) and 1,000 CS projectiles 'of a type suitable for public disturbances' were held by police forces around the country it served only to reinforce this squeamishness.⁴ Then too, 1984 was the year of the miner's strike and police action in Yorkshire mining villages had done much to alienate a section of the working class which had no tradition of anti-police fervour.⁵

In 1962 the Report of the Royal Commission had argued that British liberty did not depend upon dispersal of police power, that freedom did not and never had depended upon any *particular* form of police organization.⁶ That position seemed tenable at the time but, by the 1980s, it had become highly contestable. One indication of the challenge were the amendments to the Police Act suggested by Jack Straw which were intended to redress the balance of the tripartite arrangements and place more decision making power in the hands of local Police Authorities. The bill failed, but the argument that liberty did, in some respect, depend on the institutional organization of the police had been made. At the same time, the Labour controlled GLC advanced a much broader challenge to the institutional autonomy of the police. The GLC police unit could be characterized as an anti-police propaganda machine and, indeed, senior police spokesmen were inclined to do so. It produced a barrage of information with the goal of establishing new standards of police accountability and challenging what was seen by local government representatives as a united 'law and order lobby'.⁷

It was in this context that the issue of the *policing* of domestic violence emerged. This issue was one of a handful used by the GLC Police Unit (later the London Strategic Policy Unit [LSPU]), used to challenge policing practices of the Met as well as its institutional autonomy. The case

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as it regards domestic violence was put forward in a Report by the LSPU made public in 1986.

The Report of the London Strategic Policy Unit on the Policing of Domestic Violence

The GLC funded Strategic Policy Unit announced in 1986 that "as with women's general position in society, the police force is unrepresentative of, and unaccountable to, women."⁸ What was clear to the report's authors was that "women's priorities are unlikely to be recognized or represented by the force as currently constituted."⁹ Their conclusion was that poor police practices with regard to crimes of violence against women, in particular domestic violence, militate "against effective prevention, thereby exposing more women to further risk."¹⁰

The Strategic Policy Unit's report *The Police Response to Domestic Violence* made good use of the concurrent information being produced by police researchers. They cited the Islington Crime Survey as a way of establishing 'the extent of the problem'. They also cited the work of Susan Edwards in this regard. The problem was large:

Recent research in London has shown that domestic violence is a very serious problem both in terms of the number of incidents and the degree of violence inflicted on the women attacked. A survey of crime in Islington gave a figure of 2,500 such incidents in the borough over a year. This suggests a figure for the capital of over three quarters of a million. Research on Metropolitan police response to domestic violence has indicated that over 1,000 women a week in London call the police for assistance.¹¹

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The police were not doing a good job at servicing this immense demand for action. Integral to the analysis put forth by the Strategic Policy Unit was the PSI report on *the Police and People in London* in which a police 'occupational culture' described essentially as a 'cult of masculinity' was identified. The LSPU Report stressed this aspect of the PSI's findings and the conclusion drawn was that "a policeman is more likely to identify with the wife-beating man than the besieged woman."¹² The PSI report was cited to the effect that officers dealing with rape "sometimes imply not only that the woman probably enjoyed the experience but also that they would have liked to have committed the offence themselves."¹³

The Police Response to Domestic Violence pointed out that police officers traditionally did not regard 'domestic disputes' as police work. The Commissioner of the Metropolitan Police's 'action plan' for 1983, which listed domestic violence as a secondary duty, was cited; along with findings in the PSI study to the effect that 'domestic disputes' were regarded as 'rubbish' by front line police officers. But the LSPU's anonymous authors also noted that the times were changing:

At senior level the Met is now aware of the widespread dissatisfaction with its performance in response to domestic violence. A working party was set up to look at this area of work and has now produced a draft report, including recommendations. In his report for 1985, the Commissioner promised that the findings of this working party would be published during 1986. The seriousness with which the Met hierarchy takes up this problem will be gauged first by their publication of, and their response to, the findings and recommendations of their own working party.¹⁴

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The Working Party Report was never published in its complete form. However, recommendations from that Report were to be made public. The Strategic Policy Unit itself came up with sixty-eight recommendations. These went beyond demanding changes in police practice to cite the need for more refuges, changes in existing legislation (recommending, among other things, that rape in marriage should be outlawed) and some, few, changes in local government, DHSS and National Health Service policy and practice. In all, thirty of the sixty-eight recommendations (44%) dealt with police practice, the single largest category. The LSPU was particularly interested in changing the recording practices of police *vis-à-vis* domestic violence, but other practical suggestions were made. For example, it was suggested that specific training with regard to domestic violence be undertaken for both probationers and officers already in service. Such training held out the hope of counteracting the 'cult of masculinity'. The most far reaching suggestion was that:

Where a woman has been physically attacked, the offence should be correctly recorded as ABH or GBH, if appropriate and not as common assault, as in the majority of cases. Police should seriously consider arrest and women should not be advised to undertake a private prosecution; and where the woman is in danger of physical attack, police should consider using other powers of arrest eg. under the Police and Criminal Evidence Act 1985, Breach of the Peace

However, the LSPU Report stopped short of recommending automatic arrest as the most appropriate policy for the Metropolitan police to adopt. To this end they cited Jan Pahl's findings from interviews with victims who had taken refuge. According to information gleaned from Pahl's interviews the police were considered to be 'helpful' when they listened to the account of the situation given by the victim and responded on that basis.

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"Some women wanted the law enforced, but others simply wanted their husbands calmed down; some wanted to be taken to a place of safety, while others wanted information about their legal position if they remained at home."¹⁵ While the report can be read as providing an argument for criminalization, it is an argument tempered by other considerations which, while not assigned primary importance, were not allowed to slide off the agenda altogether.

The LSPU Report criticized the police approach to domestic violence on the basis of the 'masculinist subculture' of policing. In the final analysis suggestions for appropriate police action contained in the report boil down to a demand that police officers tailor their actions in response to specific instances of domestic violence in accordance with the woman victim's feelings about what should be done. By this analysis it was actually unthinkable that the issue could ever be something which would show the police institution in a positive light. By the LSPU's reckoning it was impossible that an essentially sexist subculture could meet the demands being placed on it over this issue. According to this rationale, the issue of the policing of domestic violence was a good one on which to challenge the institutional autonomy of the police. But, police officers had already taken up the challenge.

The Metropolitan Police Report into the Policing of Domestic Violence

The Metropolitan Police investigation into the policing of domestic violence was produced in the same year as the LSPU's. It noted that, while the remit of the Working Party was to examine Police Practice with regard to domestic violence, recognition "of the very limited facilities offered by

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other statutory agencies" had to be made.¹⁶ The author of the report, Chief Inspector Paul Green, jousted with critics who would use the issue of domestic violence as a weapon with which to hold the police accountable. The report noted that:

The problems posed by marital violence are deep seated in society, and the response of the caring professions is not beyond reproach. These problems are exacerbated when the only specific provision for women wishing to leave the marital home, the actual refuges for battered women, mostly provided by Women's Aid, are voluntary and depend in part on funding from the G.L.C. The implicit threat to the continued existence of refuges will ensure that the problems of marital violence will be sharply focussed over the coming year.¹⁷

However, police policy makers were not content simply to point at the deficiencies of other agencies. Neither were they interested in dwelling on the 'masculinist occupational subculture' of policing. What they were interested in was improving the police role in responding to the violence. In this respect the Report noted that "the future is not entirely gloomy in that on a daily basis over London, support is given to battered wives by police, whether through criminal prosecution or their primary peace-keeping role."¹⁸ Police officers in policy making positions were confident that the issue of domestic violence could illuminate the positive side of British policing.

What was needed was something that could elevate police intervention in 'marital violence' beyond mere "support". In this respect the findings of the research team headed by Peter Jaffe in London, Ontario was particularly influential. This research, which purported to validate the deterrence value of arrest in cases of domestic violence, was brought to the attention of the Working Party by the director of Chiswick Family

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Rescue.¹⁹ A Canadian herself, Sandra Horley introduced the findings of this deterrence based research into the discussion. The final version of the Working Party Report contained a three page synopsis of the Canadian findings.²⁰ It was noted that in Ontario since 1981 "the onus has been placed on police to lay criminal charges in cases of wife assault where reasonable and probable grounds exist that the assault took place."²¹

In the British context such an approach was not really possible until the advent of the Police and Criminal Evidence Act (section 80, sub-section 3). The report noted that:

it is now feasible to pursue such a policy as once the initial statement has been obtained, then if necessary, the wife can be cross-examined on that statement as if a hostile witness.²²

"The advantages of such an approach", the report explained,

"would be a clear demonstration of Force policy to give maximum protection at law to battered wives. It recognizes their special needs as a vulnerable group and reduces the pressure felt at the moment when the victim continues to cohabit with her assailant pending prosecution. It does not remove from the wife the wider police support, or initial peace-keeping role, as it still requires the woman to make an initial commitment to a prosecution and to provide a statement. Once a statement has been provided, then the responsibility for the ensuing prosecution passes to police, even where the woman seeks to change her mind, as the evidence for assault has not altered."²³

The report's author was worried about the 'anti-libertarian' and possibly 'sexist' implications of a predominantly masculine organization taking such decisions away from citizens. However, it was felt that any such allegations would be offset if it could be shown that such an approach

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resulted in 'lowering the rate of domestic violence'. The 'Canadian experience' was referred to in this regard.²⁴

The research of Dr. Susan Edwards, which heavily influenced the LSPU Report, was also referred to. Her study, conducted in Hounslow and Holloway police stations, had revealed that many victims initially indicated a desire to prosecute but then subsequently withdrew the complaint. It was felt that many women were not continuing with their complaints because of the violence itself. In the final version of her research findings, discussed in the next section, Dr. Edwards noted the American version of the deterrence research discussed in chapter four. However, as in the LSPU report, Dr. Edwards did not make any specific recommendations beyond that of changing recording procedures.

Of course, the Working Party Report did not go quite as far as to recommend automatic arrest. The reason for this was a legal technicality. As has been explained previously, police officers, as agents of the law, have 'original authority' under the law. That is, police officers, at any level of the organization, cannot be told how to enforce which laws in what circumstances; in a word they have 'discretion'. Thus, with respect to any given call for service, front line police officers must make their own decision with respect to the best course of action.

Given this kind of institutional constraint, most of the recommendations of the Working Party Report had to be put in the form of 'suggestions' and 'considerations'. For example the Police were to "*consider* adopting a higher profile approach whereby Police conduct prosecution where there is sufficient evidence, even if the witness becomes reluctant."²⁵ However, there was one aspect of the Report's recommendations which was specific and definite, and this had to do with recording practices. Like

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the LSPU Report, the Metropolitan Police view was that it was essential to improve police recording practices with regard to domestic violence. The report contained 'preliminary' recommendations given by Susan Edwards, virtually all of which dealt with recording practices.²⁶

The message contained in both these reports is somewhat blurred and, it must be said, not uniform. The Strategic Policy Unit's main aim was to criticize the police for their inadequate handling of violence behind closed doors. This led to a strong focus on the 'masculinist sub-culture of policing' in the analysis. The Metropolitan Police Working Party Report was concerned to find ways of changing the police response which would deflect criticism that they were not responsive to the needs of the public which they served. As such, that report focused on the 'Canadian approach'; research which claimed to verify the deterrence value of arrest. Both reports were similar in their recommendations. It is not surprising that, as with the LSPU Report, discussion focused on the policing of the problem rather than services delivered by other agencies which were considered only tangentially. In so far as the recommendations focused on policing, the main concrete demand was for changes in recording practice. Although it was suggested continually that arrest might be considered the most appropriate avenue of action it remained just that - a suggestion.²⁷

Researching the Policing of Domestic Violence

The Working Party Report and the LSPU Report shared a common feature and that is reference to social scientific research into the policing of domestic violence. Both Reports referred in particular to the findings of *The Police Response to Domestic Violence in London*, by Dr. Susan

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Edwards. The findings of the research team from the Polytechnic of Central London which examined two London Police Stations, Hounslow and Holloway, were made with the cooperation of the Metropolitan Police.²⁸

The research report which emerged from this investigation was intended "to discover ways of improving police response to domestic violence that further abuse might be deterred and a better service to and protection of victims ensured"²⁹ The author had made some effort to integrate the research goals with the concerns of the Metropolitan Police Commissioner. She stated that the "overall endeavour reflects the commitment expressed by the Police Commissioner to 'extend the knowledge of officers in dealing with the emotive issues of child abuse, domestic violence and mental illness'"³⁰ The aims of the study were to uncover five basic areas:

- 1) public and victim reportage
- 2) police recording practice
- 3) police prosecution practice
- 4) police referral practice
- 5) police attitudes

The main contribution of this research to the corpus of knowledge about domestic violence concerned the recording practices of the police, although there was also some effort to incorporate an understanding of police attitudes. The picture that emerged was of a police force systematically avoiding involvement in calls for service generated from domestic violence situations. It should be noted at this point that no observational work was carried out of police behaviour in responding to particular calls for service and no judgement was made on the so-called 'peace-keeping role' of police officers.

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In fact, the principle target of criticism was the practice of 'no-criming'. This is a book-keeping entry made by police officers in official records to indicate that a particular call for service had been responded to and that no criminal prosecution was expected to result. It was claimed, on the basis of other research, that police officers actively discouraged complainants from pursuing criminal charges and that the practice of 'no-criming' was denying women 'protection'.³¹ The question was asked: "Are the police perceiving themselves only as prosecutors when they should perceive themselves as protectors?"³² It was held that the practice of no-criming indicated that they were neither.

No-criming was the principal target for change, but this was part of broader changes sought in methods of record keeping. It was perceived that, as the police recording was then organized, the use of 'no-crime' served to mask the prevalence of domestic violence. For example, in Holloway out of a total of 449 initial calls for service regarding domestic incidents over a six month period, only 20 were recorded as Major Crimes (either section 18 or section 20 offences under the Offences against the Person Act 1861; commonly known as GBH, Grievous Bodily Harm) and only 37 were recorded as Beat Crimes (section 47 offences; commonly known as ABH, Actual Bodily Harm). Of these, 18 of the Major Crimes and 28 of the Beat Crimes were no-crimes.

The record keeping routine used in London's police stations meant that most of the calls for service received and responded to did not become part of the official criminal statistics.³³ It was clear that police were responding to a vast number of calls, but that the recording practices intended to take account of the demand for service did not adequately reflect that demand. Accordingly the primary recommendation emerging

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from the research was to revamp the record keeping system so that an adequate reflection of the demands on police time regarding domestic incidents could be published.

The author's criticisms of the practice of no-criming are bound up with concerns about offering protection to women victims of assault within the home. However, her principal discussion of police protection for victims is contained in her consideration of the compellability clauses of the PACE. In *The Police Response to Domestic Violence in London*, Dr. Edwards avoids making any direct argument for automatic use of the compellability clauses in the PACE. She notes that:

The new arrest powers are feared because of possible abuse. But the fact remains that the police will be able to arrest a man - for violence or the threat of violence towards a wife - thus removing him from the situation whilst not charging him with an offence. This power to remove men for a length of time must lead to protecting more women.³⁴

However, she also noted that "where the assailant and victim are married or cohabiting, domestic violence assault poses grave and complex difficulties relating to prosecution and effective management."³⁵ She quoted from *The Report of the Commissioner of the Metropolis* for the year 1984 in which Kenneth Newman stated:

In nearly 40 per cent of all recorded offences of violence against the person in 1984 the assailant was related, or known, to the victim. These cases still provided, however, serious complexities of evidence and a substantial level of paper work.

Edwards then suggested that "some of the difficulties relating to matters of evidence might be potentially resolved by the Police and Criminal Evidence

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Act, part VIII section 80(2) and (3)" which makes spouses both competent and compellable to give evidence.³⁶

Edwards clearly stated her own position on the issue of compellability two years later in 1989 :

The dilemma facing the police, prosecutors and courts is how best to *protect* a victim of marital violence - whether to allow her some degree of choice in the prosecution of an assault against her, or to *spare* her completely from having to make what must inevitably be an invidious decision. [emphasis mine J.S.]³⁷

In this formulation "female victims of marital violence were put at a great disadvantage in not being compellable".³⁸ Taking away their choice in this matter was seen to be for their own good. The recommendation is made that the police could do something to improve matters further:

Officers should arrest in all cases where there is an allegation of physical violence. Custody officers should keep the arrested man in detention while charges are considered. Charge officers should press charges where there is evidence of physical injury, irrespective of the views of the victim, and cases should be reported to the prosecutor.³⁹

The media presentation of the issue

The deliberations of domestic violence experts emerged in the media soon after the LSPU report and the Working Party Report were completed. This is the most visible version of the new discourse and, in many ways, it is the most important because the public never saw more than that. Sandra Horley was the first to speak publicly about the whole discussion. Late in 1985 she was quoted at length in *the Weekend Observer*.⁴⁰ In that article it was reported that she had "just received a Canadian Government

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research paper" which showed that prosecution of men who are violent towards their wives acts "as a disincentive to further violence". Sandra Horley was a vociferous campaigner for criminalization. She wrote in *Social Work Today* at the time that

...in 1982 the Canadian Solicitor General instructed the Canadian Police to prosecute vigorously in cases of domestic violence. Thus it was no longer left to an intimidated wife to add the struggle of a prosecution to her problems.

A follow-up research study shows the victims reported a decrease in violence when police laid charges.

The same study shows that when no charges were laid, the level of violence increased⁴¹

Horley justified universal application of arrest procedures by reference to psychological battering. She explained that violence perpetrated by husbands on their wives caused physical harm at times but, men's abuse could also cause emotional damage. She restated the 'battered wife syndrome' hypothesis, according to which the victim's self-esteem and confidence are seen to be so eroded that judgement is impaired. By implication, victims are unable to look after their own best interests. It was seen as necessary for police to intervene and bring the case to court in such instances, in order to protect them from further abuse.⁴²

She encountered some opposition, particularly from black women and civil libertarians, but she countered emphatically:

Some women may be unwilling to testify against their husbands, and ethnic groups may become the target of the police, but I feel justice will be better served in the long term if we treat domestic violence as a criminal act. Civil liberty groups complained it would be a loss of liberty, but I ask: whose liberty are we preserving?"

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Statements made by chairman of the Metropolitan Police Working Party, Chief Inspector Paul Green, also began to trickle into the press at this time.⁴³ His comments were initially confined to figures; particularly estimates of how much domestic violence the police deal with and how much the arrest rate would rise were victims to pursue their allegations. In this regard he mentioned that "one issue facing the police is whether the wish of the victims not to take a complaint further should continue to be paramount".⁴⁴

Susan Edwards, contributor to both the LSPU Report and the Working Party Report also made public statements which were, like Chief Inspector Green's, largely confined to figures.⁴⁵ In particular she mentioned that around 60,000 domestic violence calls were received by the Metropolitan Police per year. She added that less than 2% of these reached court and only 0.2% resulted in a custodial sentence. While she strongly implied that something was awry with standard practices for policing this type of crime she refrained from directly advocating arrest.

The consensus that domestic violence was primarily a concern for the police seemed to have been achieved in that year (1986). The trial for the murder of Blawant Kaur Panesar had just come to a close. The murderer, her husband Bhagwant Panesar, had been jailed for life with the recommendation that he serve at least 25 years of that sentence. The details of the case were widely reported.⁴⁶ *City Limits* magazine made an explicit connection between the Metropolitan Police Working Party Report, The LSPU Report and Blawant's murder.⁴⁷ The LSPU Report was paraphrased at length and the police were hotly criticized. In particular it was pointed out that:

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The police will not enforce an injunction unless there is a power of arrest attached; even then they rarely arrest the offending man. This is despite the fact that police inaction can, and has, led to the death of the woman at the hand of the man concerned.⁴⁸

Throughout the Spring of 1987 Sandra Horley was prominently featured in the press. Like her precursor Erin Pizzey, she made good use of the smaller 'community papers'.⁴⁹ She stressed many times that domestic violence was a crime, that they had proved in Canada that arrest was a deterrent and that, since victims of violent men are incapable of making the proper choice because of their traumatized state, what was needed was a pro-arrest policy.

In June, the Metropolitan Police announced their new guide-lines on the policing of domestic violence which became front page headlines for the first time on June 24th 1986.⁵⁰ It was announced that "wife beaters were to face tough action under new guide-lines on domestic violence." The public was informed that due to "criticism of police procedures by women's groups" a new attitude was being adopted making assault within the home "as criminal as an attack on the street."⁵¹

Paul Green the main author of the Metropolitan Working Party Report had been transferred out of the Community Liaison Office prior to announcing the Force Order. Occupying his position was Commander Walter Boreham who stated:

Nothing is more insidious than the circumstances of a woman subjected to violence in the one place where she expects to be safe - her own home.⁵²

It was left to his subordinate, Inspector Jane Stitchbury, to explain that the police had, in the past "adopted the role of mediators between couples" and

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that "it was very much felt that the home was a private place and that police should not interfere in a intimate relationship." The reporter explained that the new policy "follows a report by a working party set up by Scotland Yard in June 1984 and new powers under the Police and Criminal Evidence Act which provide the opportunity to compel a spouse to give evidence, thus taking the onus of prosecution away from the victim." It was explained further that "the working party recommended that criminal proceedings should be started against the violent party even when the victim was reluctant to pursue the matter in court, providing the necessary evidence was available and the officer felt it was in the victim's or the public's interest."⁵³

Chief Inspector Green continued to give public statements himself. He was quoted in *The Guardian* to the effect that the new policy would be an improvement because it took prosecution out of the women's hands. His reasoning was that "the man's anger would be directed away from the woman, against the police and courts."⁵⁴

The mid-1980s saw the consolidation of a new way of articulating the issue of domestic violence. The terms of discourse had been shifted and a new paradigm erected. The establishment of this bounded discourse was aided by people in several institutions. Social scientists, refuge activists, local government representatives, and police officers all contributed to the manufacture of a consensus. The consensus? The issue of domestic violence had become police 'property' and officers were expected to 'protect' victims of violence in the home. In June 1987 criminalization became "the clearest sign to society that to batter your wife is unacceptable."⁵⁵

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The submerged discourse

Neither the Metropolitan Police Working Party into domestic violence nor the London Strategic Planning Unit could be accused of ignoring the efficacy of the refuge movement in the social response to domestic violence. Both had included mention of refuge provision as an integral part of their analysis, although it must be said that at times mention of refuge provision was more of a way of scoring points against each other than serious advocacy for the role of the Women's Aid Federation. Certainly Sandra Horley, as director of what had been re-christened "Chiswick Family Rescue", could not be accused of denigrating the role of women's shelters. However, the weight of evidence gathered in the process of debates around the issue of domestic violence at this time served to eclipse the strategies adopted by the battered wife movement, strategies which revolved around the central tactic of providing women victims of violent men safe refuge. This is not to argue that the police role necessarily conflicts with the strategy of refuge provision or that battered women's advocates were in competition with the police over this. Indeed, battered women's advocates, in particular Sandra Horley and Susan Edwards, had played direct roles as moral entrepreneurs at this time serving to facilitate the transformation of the discourse. What is being argued is that the importance of establishing an infrastructure for support for victims of violent husbands was overshadowed by the issue of criminalization.

The Women's Aid Federation also produced two reports during this period and the fate of these reports is instructive in this regard.⁵⁶ WAFE representations were concerned to point out that statutory agencies

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implicitly recognized the need for refuges by routinely making referrals to them. This was certainly true, as Women's Aid representatives were anxious to point out, of social service agencies. At the same time, it was no less true of the Metropolitan Police who had, by the mid-1980s, issued patrolling constables with calling cards with the London Women's Aid 'hotline number' on them. On these grounds the WAFE Reports argued that refuges were

not a frill or an extra, but an essential provision which are best run by voluntary groups of local women committed to and experienced in this particular area. All too often women are poorly, or even wrongly, advised by solicitors, housing officers, or social workers. Bed and Breakfast, or temporary accommodation provision costs local authorities a great deal more money and is no substitute for refuges - even if a family gets a visit from an overburdened social worker once a week. Women isolated in Bed and Breakfasts are rarely able to cope with the multiple pressures on them. Usually with children and in great fear, they have left their homes, friends, possessions, schools and often their extended families too. All too often they will return home, only to leave again and again. Refuges have a preventative role. If a woman is properly advised, supported and if necessary rehoused, this takes recurring pressure off Social Services, Emergency Housing Units and Educational Welfare and forestalls women and their children being reduced to psychiatric patients.⁵⁷

WAFE attempted to argue that refuge provision provided an effective preventative measure at low cost. They also attempted to argue that the role that refuge activists played in the social response to domestic violence facilitated women making choices on their own:

Only women's support groups can unequivocally support a woman's decision to leave physical or mental or sexual violence; offer her a place to stay while she sorts out her problems and choices; help

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her to get rehoused if necessary; support her in starting a new life with her children and in rebuilding their damaged self-confidence and self-respect. Domestic violence is a particularly isolating experience. A refuge is unique in providing the company and support of other women with the same experience. What women in refuges value most - despite overcrowded and often inadequate living conditions - is the absence of fear, and the realization that they are not alone.⁵⁸

The plea, emotive at times, was for more money in order to establish more refuges. It was pointed out that the recommendations of the Parliamentary Committee in 1975 for one refuge space per ten thousand population had not been met and that in order to meet that level of provision some one thousand refuges were needed nationally. At that time there were less than three hundred. It was also pointed out that the Department of Environment's Urban Aid grants were the major source of funding for most refuges and that they were due to be cut off in March 1986. There were no plans to develop an alternative and the WAFE infrastructure continued to exist on only £100,000 per annum.⁵⁹ To understand how the refuge discourse was 'submerged' or 'eclipsed' by the criminalization discourse in a different way we can look at government finances. It could be pointed out that, during the early 1980s, total government public expenditure grew by only 2% per annum after controlling for inflation. In contrast, expenditure on police services was grown by 6% during the same period. Simply put, it is only the police institution which had the financial resources to give an enhanced response to domestic violence during this period.

Some WAFE activists also felt that, in the absence of an infrastructure of support for victims, criminalization was a potentially retrograde step. Such arguments were put forth and did emerge in the press, but WAFE

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spokespersons were not as successful at propagating their views as those advancing the criminalization paradigm. One Woman's Magazine, *Girl About Town*, ran a feature article about the refuge movement. It noted that "the most worrying thing is the step back marked by the Police and Criminal Evidence Act 1984. Police can now compel a woman to give evidence in court, to re-live her disturbing experiences in court in front of the man who caused them."⁶⁰ Other reports in the press noted a cautious welcome by members of 'women's groups' to the announcements made by the Metropolitan Police regarding their new policy. One refuge activist who declined to be publicly identified, commented that:

To press charges where the woman agrees or not could backfire if the man starts taking it out on her and she's nothing to do with it. It could lead potentially to the woman being subjected to even more danger.⁶¹

Jane Stitchbury, from the community liaison branch at Scotland Yard had the last word on that issue, however. She stated in response to this comment that "we have studied this system in other countries. It has proved to be a very successful system in compelling women to come forward and give evidence."⁶²

Conclusion

In this chapter we have seen the consolidation of a linguistic-authority-structure, a bounded discourse, around the issue of domestic violence. The establishment of that paradigm was brought about by the participation of individuals articulating their concerns from the standpoint of several institutional sites. It seems that the consolidation of this

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version of the discourse, which prioritized policing as the most important requirement for the social response to domestic violence, was facilitated because of the political conjuncture in which the British Policing institution found itself during the first half of the 1980s. It is somewhat ironic that the GLC's effort to criticize the policing of domestic violence, and thereby challenge the sovereignty of the institution, actually helped lay the ground which enabled police policy makers to capitalize on the issue as part of a 'community policing' initiative calculated to help preserve that institutional autonomy. Indeed, the critique that the LSPU offered allowed the Metropolitan Police to appear as the second stage in a dialectic which could only reify the discourse of criminalization. The LSPU did not wish to endorse an overly simplified response to the problem of wife battery and held back from a blanket advocacy of arrest in such instances. Similarly, police policy makers could not contemplate such a policy because of the legal status of police discretion. However, as it emerged in the nation's press the entire discourse had the appearance of a stern law and order response.

The difference between the two versions is, perhaps, only a semantic one. However, what counts is that the great weight of attention given to the issue of domestic violence was focused on its policing to the virtual exclusion of any other possibility. The notion of 'empowerment' had all but disappeared and in its place we find the concept of 'protection'. With that subtle change in vocabulary the refuge movement was eclipsed.

In the next chapter I will consider what effect this had on the internal organization of the policing of domestic violence. However, before bringing this chapter to a close I would like to consider, briefly, how the emergence of the issue impinged on the public perceptions of the police. The reader

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will recall that the most important changes brought about by these considerations were changes in record keeping practices. The policy recommendations put forth began, almost immediately, to swell the number of officially recorded cases of domestic violence. But this was not an uncontrolled 'moral panic'. Indeed, police managers had become adept at staving off such panics.⁶³ What emerged was a controlled moral outrage, an outrage against men who beat their wives. This served to validate the image of police men and women as valiant 'protectors' of weak women. The pathetic image of the beaten-wife as unable to make any decisions of her own made the need for enhanced police powers seem all the more real.

In the 1970s Robert Mark was adept at presenting ever rising burglary statistics as justification for a myriad of institutional requirements. The need for more money, manpower and equipment as well as safe-guarding the institutional sovereignty of the Metropolitan Police were all partially justified with reference to these statistics. In the 1980s the statistics of choice were no longer for burglary or 'mugging', instead there was 'domestic violence incidents' or 'incidents of racial harassment'. Having achieved hegemony over these issues, mention of official statistics relating to them had the effect of showing the police in a positive light; as doing the best of a bad job.

According to some, these statistics were verification that police policy makers took seriously the circumstances of the public they were responsible for. The translation of the issue of domestic violence into a law and order discourse is not a matter for concern if it can be shown that in doing so it makes it possible for victims of violence in the home to derive some concrete benefit. The task of the next section is to show the nature

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of the 'traditional' police response to domestic violence and detail the nature of the innovations brought about by the policy changes introduced by these considerations. This will answer the question: how did establishing domestic violence as a force priority effect operational policing? It will also help answer the question: how did criminalization effect the lives of women victims of violent men?

- 1 Edwards S.S.M. Policing Domestic Violence; Women, Law and the State Sage publications London © 1989 pg. 50
- 2 Judge James Pickles jailed an assault victim, Michell Renshaw, for refusing to give evidence in the trial of her boy friend and alleged assailant. Judge Pickels argued that Ms. Renshaw's reluctance to give evidence "was a deliberate contempt of court which has perverted the course of justice and maybe prevented a man being properly dealt with by a court." It was later revealed that Ms. Renshaw refused to give evidence because of being frightened by threatening telephone calls and harassment.
- 3 Newman K. Report of the Commissioner of Police of the Metropolis for the Year 1984, Her Majesty's Stationary Office, London 1985 Cmnd. 9541
- 4 Manwaring-White, S. The Policing Revolution; Police Technology, Democracy and Liberty in Britain Harvester Press Ltd. © 1983 pg. 137
- 5 See: Kinsey R. Lea J. and Young J. Losing the Fight Against Crime Basil Blackwell Ltd. Oxford © 1986 pg.35. They report that the Chief constable of West Yorkshire was worried in the aftermath of the miner's dispute that relations between the police and community had reached a low ebb. It is also worth noting that after the negative press surrounding the Sutcliffe murders Yorkshire Police had some work to do to recover the confidence of many women in that community.
- 6 Report of the Royal Commission on the Police. May 1962 Cmnd 1728
- 7 Christian L. The Police and Criminal Evidence Bill - Policing by Coercion GLC Support Unit © 1983 pg.8-9
- 8 op. cit. Briefing Paper No. 1 pg. 2
- 9 *ibid.* pg. 2
- 10 *ibid.* pg. 3
- 11 *ibid.* pg. 1 See also Jones, T. Maclean, B. and Young, J. The Islington Crime Survey, Gower Press London, © 1986 and Edwards S.S.M. The Police Response to Domestic Violence, PCL © 1986
- 12 *ibid.* pg. 2 see also Smith, D.J. and Grey J. Police and People in London, Gower Press, Aldershot © 1985
- 13 *ibid.* pg. 2
- 14 *ibid.* pg. 4 The Working Party Report referred to here noted that "it is arguable that if the Police show a greater preparedness to pursue a prosecution by taking it to court where there was reasonable evidence, even if the witness wavered, then there could be an increase of confidence in Police, not only in issues of Marital violence, *but also over a wider area.*" (emphasis mine J.S.) See: Green P.A. The Report of the Metropolitan Police Working Party into Domestic Violence, January 1986 (unpublished document) 16.1.8

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- 15 *ibid.* pg. 36 See: Pahl J. (ed) Private Violence and Public Policy; the Needs of Battered Women and the Responses of the Public Services, London; Routledge and Kegan Paul © 1985
- 16 Green P.A. The Report of the Metropolitan Police Working Party into Domestic Violence, January 1986 (unpublished document) 8.1.2
- 17 *ibid.* 8.1.2
- 18 *ibid.* 8.1.3
- 19 Sandra Horley became head of Chiswick Family Rescue in 1983. She was at least as dynamic a spokesperson as Erin Pizzey had been, and seemingly as good an organizer. However, deep wounds heal slowly, if at all. There remained a deep seated antagonism between the WAFE and the Chiswick operation. She has told me that the root of the division is ideological and amounts to whether or not the (patriarchal) State can be depended on to intervene in male violence or not. She herself has a dirigist view of the State and state actors, so, for example, she has taken part in training programs for police officers at Hendon Police Training College since 1986.
- 20 Jaffe *et al's* findings were discussed at length in chapter four. It should be noted that none of the methodological short-comings of this research were contained in the Report of the Metropolitan Police Working Party. The three page synopsis, included as appendix 'H', did not include details of the sample deterioration in the victim survey portion of the research (which was over 80%). The synopsis did note that Canadian police officers had been pessimistic about the effectiveness of arrest in deterring further violence but the version in the Working Party Report discounted this, pointing out that police "officers' effectiveness is significantly higher than they give themselves credit for." Given the size of sample deterioration the effectiveness measure is probably spurious, indicating that police officers pessimism was probably the better measure of the effectiveness of the new 'treatment'. I have discussed the Working Party Report with Superintendent Paul Green and it is interesting to note that he had, at that time, the opportunity to speak, albeit informally, with police officers who were involved in the Canadian initiative. Superintendent Green spoke of their pessimism about the efficacy of the use of arrest as a deterrent, but also noted that straight forward arrest procedures made the decisions of front line police officers much easier. Other supervisory officers have also told me that emulation of the 'Canadian approach' makes decision making on the part of front line police officers much more clear cut.
- 21 *ibid.* 11.4.2
- 22 *ibid.* 11.4.4
- 23 *ibid.* 11.4.5 Perhaps it would do, at this point, to presage readers and say that, in a replication study of the Minneapolis Domestic Violence Experiment carried out in Omaha, which tested the efficacy of mandatory arrest in cases of domestic violence 60% of the respondents reported that they did not want the police to arrest suspects; that 65% of the respondents reported that suspects blamed them for the arrests; and that 21% of the respondents indicated that suspects threatened them because of the arrests. These developments will be addressed in chapter nine. See: Dunford F.W. Huizinga, D. and Elliot, D.S. 'The Role of Arrest in Domestic Assault: The Omaha Police Experiment' *Criminology* 28 (2) : 183-206 1990
- 24 Working Party Report 11.4.6; 11.4.8
- 25 *op. cit.* Working Party Report 17.2.3
- 26 *ibid.* appendix 'G'. The sole exception to this was her final recommendation which was to the effect that officers felt assessment of their capability as Police officers was based on league

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tables of arrests/cautions and that 'domestic violence' did not figure high in this calculation. Edwards' recommendation was that: "steps should be taken to change this image."

- 27 A third report which was also assembled during the same period largely reiterates the points made in these two reports. See: Women's National Commission Violence Against Women Report of an Ad Hoc Working Group 1986. This report was assembled by "an advisory committee to Her Majesty's Government" which drew on the available information about domestic violence. Interestingly, no mention was made about the deterrence based research although this did not prevent the committee recommending a policy of arrest. In this respect the report noted that "a 'soft' and 'hard' approach by police to domestic violence do not need to be alternatives. Both approaches are applicable: the first to the victim, who needs more advice, support, and concern for her safety and that of her children. The second approach applies to violent assailants: if the police believe a serious crime has been committed, whatever the 'rights and wrongs' of the marital relationship and the provocation which may have been involved, the police should effect an arrest and seek to pursue a prosecution." In this regard the compellability clause in the PACE (1984) was cited and Dr. Susan Edwards was quoted to the effect that "it may have the effect of assisting police in their enquiries, resulting in a greater preparedness of the police to arrest and prosecute in the more serious cases and may indeed take the onus of prosecution away from the spouse who may be reluctant." (pg. 52) This report regarded all aspects of the social response to domestic violence (as well as discussing rape) including the use of the civil law and the role of the WAFE. However, policing and the criminal justice process are the major considerations of the report and its recommendations. In this respect it was noted that "the Working Group's Report is in five chapters. The most detailed, chapter II, discusses new approaches by police to the treatment of victims of rape and sexual assault. The Working Group was set up to study initiatives by the Metropolitan Police, and its enquiries have included the work of other police forces. The Working Group welcome the beginnings of a better quality approach to crimes against women by some police and court authorities, and the main purpose of their Report is to highlight good practice and to press for its wider adoption." (pg. 13) With regard to the WAFE the report recommended that steps be taken "to ensure that funds are maintained and increased so that refuges do not close" and also that steps be taken to establish a clear picture of funding arrangements for the future (pg. 11). The report also drew special attention to the needs of battered women under the Housing (Homeless Persons) Act and made the novel suggestion that violent husbands be rehoused "to make it easier for their wives and families to stay in their family sized accommodation" (pg. 12). However, there was no systematic attempt to evaluate the resources available to refuges. While the report did not ignore the wider social response to domestic violence, in particular the role of women's refuges, its overall focus on 'good police practice' did facilitate the submergence of that discourse. In this respect the Women's National Commission Report is no different from the other, more widely advertised, reports. It should be noted that, while both Chief Inspector Paul Green and Dr. Susan Edwards, as well as many other experts, contributed important information to the commission, Sandra Horley is not mentioned in the report, this may be why the deterrence based North American research received no mention.
- 28 The original research proposal was submitted in 1983 and was to be carried out by a research team headed up by David Cowell of the Polytechnic of Central London in conjunction with the Borough of Islington Police Committee. The project was conceived to focus on policing in the Borough of Islington. According to the original proposal the project was beneficial because 1) it would "encourage the police to treat calls for assistance in domestic disputes with more

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- sympathy" and 2) it would "encourage those at risk to place more trust and confidence in the willingness and ability of the police to intervene effectively, thus, in extreme cases, saving lives, and *rendering the police force more accountable to the community.*" (emphasis mine J.S.) Interestingly this original research proposal did not envisage criminalization as the goal for a changing police response. To this end Maurice Punch was quoted to the effect that: "In husband and wife disputes ... the woman may seek a visibly authoritative and symbolically masculine figure to intervene on her behalf against a violent husband whom she wants pacified but *not* arrested. The policeman has to learn how to code these expectations and how to attribute culpability by making a moral judgement on the conflicting accounts and on the image conveyed by the state of the house and the children . . . This area badly needs some analytical and conceptual precision to avoid overdue simplification in generalizing about incidents." Quotations taken from 'Domestic Violence in a London Borough - The Police Response' a research proposal drawn up by C. Cannan, D. Cowell, and Prof. R. Lees (unpublished document)
- 29 Edwards S.S.M. Edwards The Police Response to Domestic Violence in London , Polytechnic of Central London, July 1986
- 30 *ibid.* pg iii
- 31 Interviews with operational police officers indicated to the researchers that police officers who attend calls for service involving violence between spouses believe that such calls are unlikely to result in criminal proceedings. Research conducted in Scotland (Wasoff F. 'Legal Protection from Wifebeating. The Processing of Domestic Assaults by Scottish Prosecutors and Criminal Courts' *International Journal of the Sociology of Law* No. 10 1982 pgs 187-204) was cited to the effect that victims of domestic assault were no less likely to withdraw their complaint than were victims of violence perpetrated by strangers. It was acknowledged that some women might not wish to follow criminal proceedings but that "other women may feel that the police view of their possible reluctance to prosecute unfairly discriminates against them in the kind of protection they receive." Edwards 1986 pg. 14
- 32 *ibid.* pg. 14
- 33 This meant that when the Home Office published official statistics for 'serious offences between spouses in 1979 and 1980, a statistic never before published, they were found to be totally unrealistic. Thus in 1979 there were recorded a total of 5,447 woundings and serious assaults involving married couples in the country as a whole; a clear and enormous underestimate. Home Office Statistics 42 (R1266)
- 34 Edwards 1986, pg. 21
- 35 *ibid.* pg. 17
- 36 *ibid.* pg. 18
- 37 S.S.M. Edwards 'Stand By Your Man' *Police Review* May, 1989: 1016-1017 This position, outlined by Dr. Edwards at the end of the decade, is put in the wider context of feminist debates in chapter ten.
- 38 *ibid.*
- 39 *ibid.* It has also been argued that making individual victims of wife assault compellable witnesses will send messages to society at large. These messages, according to those who support compellability are that: 1) women would feel that police would use the full power of the law to protect them; 2) men who were violent towards their spouses would begin to see their actions as a criminal offence and thus realize that it is not acceptable in civilized society; and 3) like operating a vehicle while under the influence of alcohol, domestic violence would be seen as a 'crime against society' rather than simply something involving individuals. These

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points are made by Bourlet, A. in Police Intervention in Marital Violence Open University Press, Milton Keynes © 1990 pg. 90. While I do think that widespread use of Section 80 sub-section 3a, which specifies compellability in cases involving spousal violence, injury, or threat of injury, would 'send messages to society at large' I do not think that this message would necessarily remain within the confines set down by advocates of criminalization. For example, there is no guarantee that Black women victims of violence within marriage would welcome this kind of paternalism by a criminal justice system which, for many black people, represents only white man's (and woman's) law. In fact, these debates did not emerge until two years later. The debates are discussed at length in chapter ten.

40 *Weekend Observer*, Sunday 15, 1985

41 *Social Work Today* June 9, 1986

42 *ibid.*

43 *The Times*, September 22, 1986

44 *ibid*

45 *The Times*, October 6, 1986

46 See *The Daily Telegraph* December 3, 1986; and *The Guardian* December 3, 1986 Blawant's murder is a gruesome tale. According to evidence given during the trial her husband had traced her whereabouts to the location of the Brent Asian Woman's Refuge and, with the aid of two hired men, attempted to break in. These men evidently changed their minds about participating in what they thought was a burglary when they saw Bhagwant was armed with a carving knife. According to the testimony these two hired men returned to the refuge the next day to warn the women and even 'escorted' one woman to the police to ask for 'protection'. Three days later Blagwant broke into the refuge on his own and murdered his estranged wife in front of their three young children. Witnesses saw him leave the bedroom with a blood stained knife and his fingerprints were clearly in evidence. He was sentenced to life for premeditated murder with the recommendation that he serve at least 25 years. He was also given an additional sentence of 18 months for conspiracy to commit burglary.

47 *City Limits Magazine* 11-18 December 1986

48 *ibid.*

49 The London Daily News carried several stories either about Sandra Horley or by her during this period. See the 1987 April 23, May 6th, June 24th and 25th editions.

50 *The London Evening Standard* announced that 'Yard Acts on Beaten Wives' (June 24th 1986) The Evening News was more extreme: 'Lock Up the Wife Beaters'

51 *The London Evening Standard* June 24, 1986

52 *Daily Telegraph*, Thursday June 25, 1987

53 *ibid.*

54 *The Guardian* May 19, 1987

55 This quote is attributed to Inspector Jane Stitchbury in *The Guardian* May 19, 1987

56 Report on the Funding, Premises and Staffing of London Refuges, unpublished document submitted to the Association of London Authorities 1985; Report and Recommendations on the Funding of Women's Aid Refuges Nationally, unpublished document submitted to the Association of Metropolitan Authorities 1986.

57 *ibid.* 1986

58 *ibid.* 1986

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- 59 This sum was provided by the DHSS and was intended for the infrastructure on a national level only. The DHSS were not able to fund local refuges which obtained funding from local councils and charitable donations. It is difficult to calculate the total amount of financial resources available for refuge provision since this was not done from a central source nor was it done in a coordinated fashion.. The so called independent refuges had funding sources separate from WAFE, whose refuges each had responsibility for their own financial records. However, it was clear from both the number of refuges and their poor conditions that financial assistance was not adequate.
- 60 'Being Closed Doors' in *Girl About Town* September 6, 1986
- 61 *The Guardian* October 10, 1987
- 62 *ibid.*
- 63 An interesting, if tangential, story illustrates the misunderstandings which enhanced record keeping practices can lead to. In September of 1987 a minor scandal hit the press in Canada and the Soviet Union which involved a wife battering Canadian and his victim, a Soviet emigre. It seems that a Canadian advertising executive, Kerby Inwood, had married a 31 year old Soviet woman, a teacher by the name of Tanya Sedorova., while on holiday in the USSR in 1986. After months of vigorous campaigning on her behalf Mr. Inwood managed to get permission for her to leave the Soviet Union and they set up a home in Toronto. The scandal came to light some two months later when Tanya showed up in a Toronto women's shelter with a broken nose. Pravda took great glee in recounting what was admitted to be a sad story, saying that "Canadians often resort to violence on their partners." Challenged on this point by a Canadian journalist the Pravda columnist, Vladimir Shelkov, easily proved his case. He referred to two sources: an editorial from the Toronto Globe and Mail and, for specific details, a short phone call to the Toronto Metropolitan Police for his facts. His answer came in the December 1987 English Language edition of Pravda. The headline was 'Family Violence Erupts in Canada'. The article consisted of a parade of statistics gleaned from Mr. Shelkov's sources and concluded: "The drama which took place in September 1986 in the Inwood's home and which ended up with the transfer of Tanya Sedorova and her son to a shelter was just another sad everyday occurrence." Mr. Shelkov's observation is true, of course, however the question arises as to what the reality behind the statistics is. In Canada where millions of dollars are spent annually on provision of resources to help battered wives the high statistical incidence of such violence has certain specific social consequences. In the Soviet Union, where no official statistics are kept and hence there is no apparent incidence of 'domestic violence' and, further, no money is dedicated to providing resources for women victims of violent men the statistical reality appears better. The underlying reality is, however, probably much worse. It would seem that in Britain the worst of both situations exists with high statistical incidence and low provision of services.

*Look up on the wall baby
Hand me down my shootin' iron
You can call your mother long distance
Tell her to expect your body home
If the city won't bury you baby
I believe the county will
You made your last mistake
Now your goin' out on Boot Hill
Don't want to hurt you baby
'cause you gave me my first thrill
But you did me so wrong
now your goin' way out on Boot Hill*

Johnny Winter

The Operational Policing of Domestic Violence

brought about by the 'prioritization' of the issue of the policing of domestic violence in the terms of practical policing.

The categories and the logic of which I speak may not be readily apparent, particularly to people not intimately involved with policing. I derived my knowledge of them from four sources. The first was a detailed content analysis of official police records for 110 cases of 'domestic violence' gathered over a two month period in one London Police Station. Case records for all police work are filed together, differentiated only according to the seriousness of the offence. This meant that these particular cases had to be identified in amongst all the other flotsam and jetsam of police work and copied, laboriously, by hand.¹ This exercise was useful in that it allowed me to gain an understanding of how domestic violence fit in to the constellation of policing duties. A detailed content analysis of those files is the concern of the next chapter.

The time consuming nature of this task also facilitated the building up of field notes based on conversations with police officers in the station about their views of policing in this problematic area. These field notes form the basis of my second data set. These conversations were a useful exercise in themselves in that they allowed me to practice using the analytical categories that police officers themselves employ, thus insuring that my own use of those categories was not at odds with their use in operational policing. Officers explained to me how the case files were organized the way they were and, not infrequently, told me tales of their experiences. Together with the analysis of the contents of the case files these conversations allowed me to form a picture of the policing of domestic violence as it was carried out at this police station.²

The Operational Policing of Domestic Violence

Introduction

In this chapter, I shall be examining the linguistic-authority-structure of operational policing as it applies to interpersonal violence and, more specifically, to so-called 'domestic violence'. In the context of a bureaucratic institution like the police, the application of the metaphor of a linguistic-authority-structure is somewhat different in that the 'authority' is organizationally defined. The bounded discourses about the issue of domestic violence that I have been concentrating on up until this point, discourses which are much more explicitly in the realm of politics, are contained within somewhat less rigidly prescribed analytical categories than we shall encounter in the context of operational policing. This does not mean that social actors in the milieu of coercive social control do not marshal their analytical categories in creative ways, as we shall see. However, their discursive practice remains systematic because the 'community' that has recourse to those categories is 'uniform' in its practical interventions.

In this context I mean by the term linguistic-authority-structure the set of analytical categories, logical operations, and classificatory techniques that police officers are required to utilize in the performance of their duties. An examination of this semantic network is, therefore, also an examination of the formal processing accomplished by institutionalized policing. I intend first to outline this semantic network in its 'traditional' form, that is in its application before the Force Order on 'domestic violence' was issued in June 1987. I shall then go on to indicate some of the ways in which this 'traditional approach' has been modified. In particular I shall look at the functioning of three of the Met's 'domestic violence units'. This descriptive exercise will help me answer questions about concrete changes

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The third data source consisted of 43 interviews conducted with police officers of both sexes and varying ranks at two police stations in 1985, that is, before the issuing of the Force Order. I had no part in the designing of this questionnaire nor in the administration of the interviews since this project was carried out before I began my research in the area. I had access to full transcriptions of these interviews and, again, an analysis of them further developed my understanding of the semantic network employed by operational police officers in the performance of their duties. These interviews shed light on the policing of domestic violence uncontaminated by the climate surrounding the policing of domestic violence after the Force Order was issued in 1987, as such they were an invaluable guide to mapping the traditional response of the police.³

The fourth data source consists of semi-structured interviews with police officers involved with three police 'domestic violence units' in London. The interviews were with officers of all ranks, from Chief Superintendent down to Police Constable (in most cases Woman Police Constable), and reflect their differing understandings of policing as it pertains to this activity. These interviews, together with less structured conversations in the context of an examination of specific case files with officers in 'dv units', allowed me to understand the specific nature of the innovative interventions practiced by officers in these units.

The analysis of these four data sets enabled the identification of the central analytical categories available for policing interpersonal violence and the way in which they are employed when police process calls for assistance involving violence in the domestic setting. I use the word process quite deliberately here. What this examination is intended to highlight is the institutionalized aspects of the police response to 'domestic

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violence'. I am not so much concerned with the individual psychology of police officers and how that may affect their handling of what are often highly charged situations as I am with the regulated and supervised aspects of the problem. By identifying the central concepts employed by police officers in the execution of their duty I wish to cast light on the code through which some calls for assistance are translated into an object for policing; that object being a 'domestic violence incident'.

The central categories for operational policing of interpersonal violence calls

The classifying of calls for assistance to the police begins with the initial call to the dispatcher. These calls may come in either to the 999 emergency number or direct to the police station.⁴ This initial stage has been characterized as one in which "a world of events perceived within the primary framework of the experience of citizens" is "selectively sampled by police calls." When the in coming call is received "messages are classified (encoded at the boundary of the organization) framed as relevant to police attention; and imaged as events based on sets or tacit expectations. Only messages accepted or seen by the organization exist for the organization as potentially valid work."⁵ At this point the dispatcher has to make a decision about how to classify the call. The first priority is to decide whether or not the call is relevant to the police, if it is, then it must be more finely delineated. The calls with which we are interested are labeled 'domestic' which may include violence between spouses, or other family members but also may include situations involving flat-mates, lovers or former lovers. Occasionally landlord-tenant disputes or disputes between neighbours are classed in this category.⁶

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Once the call for assistance has been received and so classed it is 'in the police system' and a number of decisions with regard to classification must be made in order that it be exited from the system. Interviews conducted with officers in the communications room indicate that sometimes they deal with the situation over the telephone, but "if you hear glass breaking in the background you send someone out." One officer assigned to the communications room stated that "in ninety-nine out of one hundred cases you assign a unit." His exception to the rule was "unless you know the family and then you might be able to deal with it over the phone." He recounted the instance of a particular couple where the husband regularly hit his wife. In this instance the woman "just wanted to talk and I spent about twenty minutes on the phone with her."

The second decision made by the dispatcher, then, is whether or not to send an officer or officers to the venue. According to police officers this is a fairly automatic response.⁷ However, officers in the communications room did state that, at times, the numbers of personnel on relief prevented an immediate response.⁸ One officer interviewed added that, in these situations, calls involving violence had priority over incidents like burglary and that "domestic calls" were included in the former category.⁹

Having assigned a unit, police are then concerned with 'response time', that is, the amount of time between the first call for service being logged and the unit assigned arriving at the venue. In practice these response times are variable, but times between ten and fifteen minutes are considered average. The concept of response time has a special place in the lexicon of police officers assigned to the 'area car' or otherwise patrolling in automobiles. A fast response time is a primary motivation and provides criteria for judging officers on motorized patrol.¹⁰

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The second stage of processing begins with the arrival of the officer at the address. Once at the venue the officer will have to gain entry to the premises, which may be problematic. Prior to the issuing of the Force Order on Domestic Violence in 1987, officers attending such calls and finding the premises quiet and dark were likely to radio in to the dispatcher with the message 'all quite on arrival' and 'no call for police action' effectively exiting the call for assistance from the system.¹¹ The issuing of the Force Order in 1987 removed the official category 'no call for police action' (NCPA). However, my examination of official records at one particular station indicated that a large number of cases (approximately 60 % of the sample) did not get processed any further than this stage.¹² This was the largest single exit point from the system.

The fate of the category NCPA is somewhat instructive. This was a legitimate category prior to the issuing of the Force Order in 1987, although some officers indicated to interviewers that its use was a matter of laziness and/or inadequate supervision. Asked about the meaning of NCPA and the likely nature of a call that would generate so little in the way of official records one officer remarked that:

It means one of four things. First of all the victim doesn't want to substantiate the allegation. Secondly there is no evidence to substantiate the allegation. Thirdly there is insufficient evidence to substantiate the allegation, it could be bogus or she alleges injury but you can't trace it and a doctor can't state what it is. Fourthly something is recorded where either through the victim's action or lack of actions, we can't contact her and we don't know where she is.

This is a similar type of reasoning applied at other exit points. It is important to stress that, in some instances recorded as NCPA, there was

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clear evidence of injury. Some officers interviewed were quite candid about this. It seems that the attending officers greatest incentive to file an official report was "in case it comes back on us", that is, in cases where there might be further violence or where there is a possibility of an official complaint, either from within the institution or initiated from a 'civilian'. One officer claimed that she always followed the official recording procedures because, in the event of a serious call back involving the CID, they would require information from the initial incident and would be most unpleasant to her if it could not be supplied immediately.

The other point to stress is that the recording of NCPA in these instances does not necessarily mean that the police did nothing. It was pointed out during the interviews conducted in 1985 that, in some cases, the mere arrival of an officer on the scene was sufficient to calm the situation to the point where the persons concerned were unlikely to turn to further violence, at least on that evening.¹³ It was also pointed out by many officers that for incidents that they were recording as NCPA they were actually giving a considerable amount of advice to the persons concerned. The advice given was frequently to contact a solicitor or a citizens advice bureau.

From the accounts given by police officers prior to the banning of the category NCPA it seems that these calls classed in this category do not differ from the bulk of domestic violence calls, save that police officers do not record the details in the prescribed way. The filtering out of cases at this stage is attributed to the victim being unable or unwilling to substantiate the allegation of assault. This is the same logic applied at other stages during the processing to exit cases from the system.

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One of the concrete changes to come out of earlier research, of which the 1985 interviews were an integral part, was that NCPA has disappeared as an official category. One officer noted prior to the Force Order that such a move would not actually change the approach to policing these cases:

If you are going to say do an IRB [Incident Report Book] in every case I don't think that that is the cure. It is only going to be a record with no more fact. If you do a crime report you'll report it as an allegation of assault, with no evidence it will go away as no crime.

In fact it could be argued that the category has not been eliminated anyway, rather, it has been driven underground. Given that approximately 60% of cases in my own two month study still generated no formal record it could be said that the box still exists, but its name tag has been obscured.¹⁴ One officer said that "we get a hundred incidents per day here, if we recorded them all the station would burst with paper."

If the officer actually intervenes in the situation his or her first concern is to "calm the situation down" and "ensure that a Breach of the Peace will not occur". Officers interviewed indicated that in many cases when they arrive the situation is already calm, thus this is not always problematic. However, officers also indicated that the arrival of the police could, in itself, make for a volatile situation. This was perceived to be the case most often when the caller was a neighbour or some other person not directly involved in the situation.

If the prevention of a Breach of the Peace is problematic at this stage an arrest can be made. There was some ambiguity in the way in which police officers understood the meaning of Breach of the Peace. Some officers flatly denied that such a charge could be used in a 'domestic

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situation'. Others claimed that they would use the power even if the 'breach' happened "in his own sitting room". Most commonly police officers said that the person involved would have to be lured outside, either into the back garden, or out of the front door in order that a proper charge of Breach of the Peace could be pressed.¹⁵ Others indicated that they would use a charge of 'Threatening Behaviour' in its place.

When this category is marshaled an arrest can be made and one or both of the persons involved will be required to be present in Court on the following day. In these instances it seems that only the violent party (most often the man) would actually be incarcerated overnight. When the breach has been dealt with in court the case has been exited from the police system. This was the only exit point identified which did not involve the reluctance or readiness of the victim to press charges.¹⁶

In cases where officers had established control of the immediate situation their next task was to uncover what had happened. This involves questioning both the victim and suspect. The primary concern of officers at this point would be to determine the nature of the offence. Typically, if there was violence involved, the attending officer would determine the nature and the extent of the injuries inflicted and/or how they were inflicted. In these cases there were three main categories in which to classify the incident, those being: Common Assault (CA), Actual Bodily Harm (ABH) and Grievous Bodily Harm (GBH).¹⁷ In the interviews I examined some of the officers were asked how they differentiated between these three categories. As might have been expected, officers did not define them in exactly the same way. Some used criteria based on the extent of injury, so that, for example, one officer distinguished by "the amount of bruising and blood and the amount of harm that you can see."

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Other officers used criteria built around the nature of the attack. For example, several officers noted that for a charge of GBH to be brought a "weapon" or "implement" would have to have been used. Some officers conflated both kinds of criteria to explain the distinction. Because of the way in which this particular question was broached and the open ended nature of the response it is not feasible to try and scale these responses.¹⁸

While such a scaled measure might be interesting it is not altogether certain that it is an appropriate question to ask. This is because where the distinctions seem crucial there is ample evidence of 'collective thinking' in order to classify a given case. Particularly in incidents which involve a visible degree of injury and where there was some potential for criminal proceedings, the attending constable seemed to confer with fellow officers and, most often, with his or her duty sergeant. One officer who was asked about recording practices explained that a report "takes between half an hour and three quarters of an hour to write, then it needs to be passed to the station officer, who could always tell the PC to write it again if it is inadequate." I came across many examples of collective thinking. The following quote is taken from the questionnaires administered in 1985:

Q. How important are the signs of injury when you arrive, in the kind of action that you are likely to take in terms of immediate assistance and medical help to the victim and in terms of criming and the category of crime?

A. If it is obvious, that there has been injury, whether it is an actual cut and the female has insisted on the man being charged, the police do not necessarily have time to decide on the particular charge or the particular option. That would be suggested and decided upon by the duty sergeant or the CID upon arrival. But clearly there are the kinds of categories of ABH which would cover the situation of a cut, GBH and a doctor would have to be consulted...It is often very difficult and the decisions are not always made in time, but after subsequent

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investigation as to what particular category will appear on the charge sheet.

I have myself observed officers conferring on matters of this nature. I think that the prevalence of collective thinking about these categorization procedures homogenizes the classifications made, although it must be acknowledged that this homogenization may be only local in character and may vary from district to district. Evidence of collective thinking does mean, however, that the classifications made by a particular relief can be expected to be fairly standardized despite the differences in definitions proffered by individual officers.

The collective nature of the application of the definitional hierarchy of violence did not mean, however, that the logic with which these categories were applied was always straight forward. Many variables were incorporated in decision making leading, in some instances, to a 'twisted logic', that is, logic which is not straight forward. For example, on learning that a particular suspect had a prior arrest record for violent offences a sergeant recommended a charge of GBH rather than ABH, even though the injuries sustained by the victim fit more comfortably in the later category. The officers involved knew that the charge could be reduced any time up to, and including, the court stage. In doing this a message could be conveyed to the perpetrator; a message stating, in effect, "aren't we doing you a favour?"¹⁹ There were other instances of 'twisted logic', for example, I observed an officer arguing to bring the perpetrator in a domestic incident into custody 'for the protection of the victim'. It transpired, however, that by doing so the officer would be able to clock in several hours of overtime for his court appearance, revealing an underlying motive for the officer's eagerness to place the 'alleged offender' in custody.

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Twisted logic, then, gave the application of the formal categories a kind of fluidity that belied the systematic nature of the application of the linguistic-authority-structure in specific instances.

Many of the details of the incident would be established by an officer attending the venue some time after the initial call for service. Incidents classed as ABH and others classed as beat crimes, were generally followed up by a Home Beat Officer. Incidents classed as GBH and other 'major crimes' were considered the province of the CID.²⁰ Incidents were prone to slipping out of the system at this point as well. Crime report forms frequently testified to unsuccessful attempts at re-contacting victims in order to sort out details of particular incidents. These attempts took the form of phone calls or personal visits to the venue supplemented by correspondence through the mail.²¹ This slippage is discussed at length in chapter eight.

During the questioning of both suspect and victim, another very important question is asked about whether the victim wishes to lay charges, that is "substantiate the allegation". This may or may not be done before the classification of the assault has been finalized and, as I have already shown, a negative answer to this question may result in a premature exit at a much earlier stage. The whole processing of a 'domestic violence incident' hinges on this particular question. In practice a number of answers may be received to it, but it is rarely an unambiguous yes or no. In fact most calls for assistance are exited from processing by this stage.²² This point is crucial to the processing of these incidents. In order to understand how these analytical categories of institutionalized policing (in particular: 'victim', 'suspect' and 'substantiate the allegation') are being applied by operational police officers it is

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necessary to have an understanding of the law as it pertains to domestic violence, and interpersonal violence more generally.

With respect to interpersonal violence the relevant sections of the Police and Criminal Evidence Act are quite specific. In general an arrestable offence is considered to have been committed if the potential penalty is at least five years.²³ Any incident involving ABH or GBH is thus an arrestable offence. In addition, any offence for which the attending officer has reason to believe that serving a summons is inappropriate is also arrestable. In instances of domestic violence the service of a summons might be considered inappropriate if the attending officer has reasonable grounds for believing that the suspect may cause injury to any other person.²⁴ This also links in with other provisions in the PACE which state that arrest can be used in instances where the police officer has "reasonable grounds for believing that arrest is necessary to protect a child or other vulnerable person."²⁵

The important fact here is that none of these provisions for arrest compel the officer to arrest in practice. They only empower the attending officer to do so. The use of these arrest powers in all instances is left to the individual police officer's discretion. With respect to the Force Order, these three provisions constitute the legal framework on which to pin arrests. Either the attending officer can grade offences into the ABH or GBH categories and arrest on the grounds provided, or the officer can arrest in order to protect the victim on the grounds that serving a summons is inappropriate. The PACE also has a provision to make wives compellable witnesses in such cases as necessary.

My own field work indicates that arrest is not the pre-eminent way for dealing with these types of offences.²⁶ Instead, standard practice was

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that the victim would be asked whether or not she wishes to press charges. In most cases this was not what the victim indicated and the case is either dropped immediately, or was 'no crimed' at a later date after the victim withdrew the charges.

This effect comes about because of the way that police officers marshal the analytical categories at their disposal. Of particular importance here are categories established as polarities: 'victim' and 'suspect'; 'innocent' and 'guilty'; 'no-crime' and 'crime'. These terms are, perhaps, familiar to most people, but they perform a special function in this semantic network. Within the confines of this linguistic-authority-structure, in order for there to be an violent incident called a 'crime' there must be both a 'suspect' and a 'victim'. However, if the person with the most serious wounds in a given incident does not wish to step into the conveniently labeled box and from it point an accusing finger at the appropriate 'suspect' it is difficult to process the incident as a criminal one.²⁷ Within the confines of this semantic network in such a situation it is impossible to see how a criminal incident has occurred. This is known as the 'victim failing to substantiate the allegation', an analytical category which functions like a hinge between the polarities 'victim' and 'villain'; 'guilty' and 'innocent'; 'no-crime' and 'crime'.

Many officers interviewed made comments on the tendency of women to withdraw charges. Time and again they explained the same point that most often the victim was also the only witness in these cases. Without that person's cooperation no case could proceed to court and expect to win. One officer who was questioned about his changing attitudes after a case was taken to court by him, only to have the victim withdraw the charge at that stage: His reply was that:

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In the future I thought, I wouldn't waste my time. A lot of action groups, as well as being left wing are biased, think we are doing nothing, but if the wife won't charge, we can't do anything. We have to work within the framework of the law. The only victim we can deal with is the murder victim because he or she can't say he/she doesn't want to charge. We have the same problem with rape or even a simple stabbing in the street. If the victim won't take it any further there is nothing we can do.

This officer's understanding of the law as it pertains to interpersonal violence is exactly the opposite of what is, in fact, the case. He understands his application of the categories of 'victim', 'villain', 'guilty' 'innocent', 'crime', and 'no-crime' as applying a legal framework. In fact it is a system of institutionalized conceptual categories which the police use to process incidents of interpersonal violence. In this respect police officers' understandings are probably not all that different from the average citizen. I do not want to create the impression that all officers equate the categories of policing with "the framework of the law". Some officers were well aware that they have the power of arrest in these instances but they came back to the same point "if she doesn't want him arrested then you can't really arrest, because you will need her in court."

This is the final exit point from the police system. Either a particular case will be exited on the grounds that the victim is unwilling to substantiate the allegation, or the victim is willing to press charges and the case is forwarded to the Crown Prosecution Service. In the final analysis the operation of the linguistic-authority structure of operational policing depends on a decision made, not by the attending police officer but, by the victim.²⁸

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The logic of the practice was explained to me by an Inspector in CID who claimed to have extensive experience dealing with interpersonal violence calls of all types. His example was "a dust up in the pub between two mates". His position was that the way you decide the victim in these instances is by who has the greater injury, further, if this person did not wish to pursue a criminal case the incident would be 'no-crimed'. He then asked me: "What would you do?" Locked into the logic of the categories I could only answer to the effect that I would do nothing.

Trying to think outside the categories Round Pegs and Round Holes

Much has been made of the nature of police officers discretion in operational decision making. It is a commonly received wisdom amongst police researchers that police officers have wide ranging discretionary powers and, by implication, make judgements. When the question was put to a Chief Inspector about the ability of younger officers attending cases of domestic violence "to make a crucial judgement" the interviewer got a surprising answer:

I am not entirely convinced they are making crucial judgements. We get there, if the matter is serious and they are prepared to charge we do it. A police officer works in all jobs towards categories and putting that job into a category, if the categories are not available, we have to put it into one.

This particular reply was given by a manager. Operational policing is viewed from a fairly high vantage point from this position in the hierarchy and, perhaps not surprisingly, the systematic nature of the police response to these calls was readily apparent to him. It must be said that this officer made it clear that he did not place a great deal of importance on

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responding to domestic violence calls, stating that he preferred to see responsibility for these calls taken up by Social Services. With regard to the police role in instances of domestic violence, in this officer's view the problem was quite clear cut: if the victim wished to pursue charges the officer would be required to pursue a criminal investigation, ordered by the rules of evidence and police procedure. If not, it became the preserve of other agencies, perhaps the civil courts, the Citizens Advice Bureau, or Social Services.

This particular officer was inclined to see the systematic aspects of policing these incidents, however, he also acknowledged that "domestic violence is not a round hole into which we can fit one of our round pegs." In fact the interviews contain ample evidence of police officers thinking and doing things outside the institutionalized categories for processing. When we hear of police officers thinking outside the categories the application of the linguistic-authority-structure of operational policing shows its limitations.

Of course not all officers allow themselves to think outside the categories of 'the Job'. Such thinking is sometimes referred to as taking on a 'social service role' and it was evident that there were mixed feelings about how much police officers should be concerned with these 'extra duties'. One uniformed PC explained his job and how it pertained to domestic violence calls by saying "we deal with incidents, we respond to them and then we either advise or arrest, and we don't do anything further." By 'advise' this particular officer meant telling the persons concerned to contact any number of agencies including a solicitor or a Citizen's Advice Bureau.

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Other officers were aware that their response could go further than this. Such an awareness seems to arise out of the fact that so few of the calls for assistance involving domestics ever generate an arrest. Many officers explained the problematic nature of dealing with victims and suspects in what are often highly charged emotional situations. Much time has to be invested in order to achieve a situation which is calm enough to glean the details of the problem from the persons concerned. Officers stated frequently that they had to resort to encouraging a "cooling off period" before they could proceed with the business of classifying and ordering the situation according to the categories of 'the Job'. All of them were aware that generating an arrest from such a call was extremely unlikely. One PC explained:

You get rid of the old man into another room, then I'll tell him later what I have told his wife. Then I say 'I might nick you'. To the woman I just say, how many times in the past, when and why. It takes time to calm her down, I then give her the procedure. I say 'before I charge him, you have to be medically examined, have got to make a statement and declare that you are prepared to go to court and give evidence. Also consider that you have got a marriage and one effect charging him would have on that is your decision.

Here the tension between the information collected to fulfil the criteria of the institutional categories and information gleaned from questions outside of the system are laid side by side. There is no room in any of the forms for official recording to make note of a past history of violence and none of that information will contribute to the formal decision of whether or not to arrest. What the police are attending is an 'incident' and any statements that a woman might make with regard to a past history of violence will not affect the nature of the official police action taken. This

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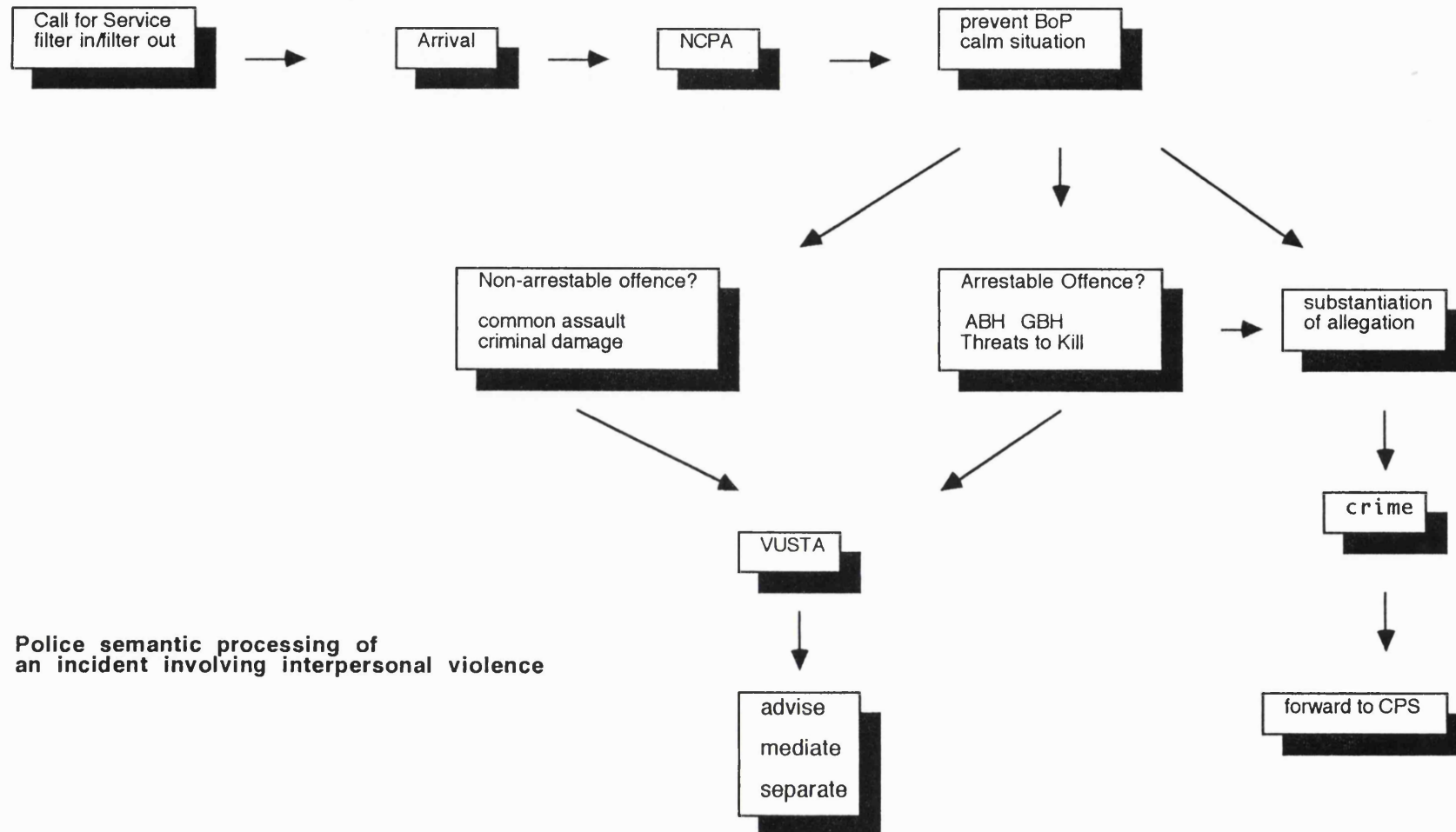
particular officer used these types of questions as a sort of counseling tool and as a way of calming the victim in order to gain a proper statement from her, but in the final analysis his official response is no different from any other officer's. The decision to charge, that is to continue the engagement with the criminal justice system, is left with the victim.

One particular criticism that police officers have been open to is that they are very discouraging in advising women of the nature of the processing of their cases through the criminal justice system. One officer explained that the police "take statements for prosecution, always considering certain points for court." Many officers mentioned the need to do this in a "sympathetic manner". The problem for police officers is that the details of the incident, stripped bare of the historical details that may or may not come to the attention of the investigating officer, look much different when they are read in court some time later. This is particularly so if there has been no violence in the interim period. Police officers are acutely aware of this, particularly if they have had a long time in service. Many experienced officers have stories about particular incidents which they fought to process fully through the criminal justice system. For example one sergeant recounted the following story:

In one case, although there was no violence against the woman, the threats to kill were such and the intent was clearly there. So we took it through. I personally fought the CID who said 'you're wasting your time'. I felt sure the threats were real. So I pushed it; and push it meant me going to the magistrates court each week to keep him in custody and I had to give my reasons. I felt that it was a genuine threat where a couple of drinks he would attempt to kill her or threaten her. He was remanded in custody for five weeks, and so I would be in the witness box giving my objections to bail. Then his solicitor produces in court a letter written to him by the wife-

Figure One

The linguistic-authority-structure
of operational policing as it applies to
interpersonal violence



Police semantic processing of
an incident involving interpersonal violence

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'I love you darling it is not my fault you are in I wish we were together'-
I looked an absolute idiot; and the threats to kill were dropped and he was done for possession of an offensive weapon - and spent five weeks in custody.

Scenarios like this are frequently recounted.²⁹ Such occurrences seem to be a regular feature of the application of the linguistic-authority-structure of operational policing to calls for assistance of this type. This feature seems to produce a kind of cynicism about the role of police in responding to these calls. The following quotation is typical:

...occasionally when you have arrested your blokes, you go to the scene and try to take him away. She is adamant she wants him arrested. Next day she wants him out, he's been pent up all night and we have done all that work. It seems a great waste of time. The end result is one arrest and no result and governors want results, I particularly want results as well for I could have been arresting for breaking into cars and criminal offences, rather for arguing. Also when it is all said and done, it is his word against hers. With no witnesses it is difficult to put a case together. Who is to say that she was going to hit or kill him over the head with a frying pan? You could feel sorry for some women, others you don't.

The more keen officers are to apply the systematic categories to incidents, the more likely they are to sound cynical. Officers who place an emphasis on the so-called 'social service role' of the police, rather than try to process a call for assistance as a crime, go beyond the categories of operational policing. By this, I mean that, in so doing, they do not produce the kind of paperwork that can be interpreted as "results". Such an approach may have its own satisfaction however:

...I think there a far more important things the police can do than just enforcing the law, especially in this area, and that is in the area of practical help and advice, and I think that practical help from

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officers, is more valuable to them then having him arrested...

The systematic processing of calls through the linguistic-authority-structure of operational police remains the primary consideration, however. Victims in these situations are given a simple choice, either pursue criminal proceedings or not. The high rate of withdrawals produced by this system is seen, not as a failure of the system, but as a failure on the part of individual victims. In one interview it was explained that police officers "try to get the victim to sign the charge sheet, otherwise we get costs against the police, so that we don't sign the charge sheet because if they withdraw after signing it, then it is between them and the court to sort out" This exonerates the individual police officer, but the high rate of withdrawal that the police encounter (and frequently bemoan) also indicates that the range of services that police are actually in a position to offer are, in fact, inappropriate, or at least too limited.

This is apparent to the officers themselves and some of them articulate the need for a wider range of services. For example:

There is no system that can't be improved but it is making a system that is better than the one we have got. There should be more facilities and agencies open to women. A lot depends upon the agency involved, social workers probably think that they are the agency that is doing that already. They are obviously overworked, they are not efficient at the moment, they need more investment.

Of course, not all officers' thinking outside the system portrayed the victims in a positive light and nor did all officers appear sympathetic to the plight of victims. Police procedure in criminal cases involving interpersonal violence involves scrutinizing the behaviour of all parties in order to establish who is 'guilty'. Some officers interviewed in 1985 noted

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that women "get what they ask for" and some indicated that some women "deserve" their ill treatment.³⁰ Thinking within the formal categories may indicate that an arrest should be made, perhaps because the level of injury would support such a decision. Thinking outside these official categories may not lead to such a conclusion and officers have been observed rationalizing according to criteria of 'moral blameworthiness' in order to facilitate the exit of particular calls for assistance from the system.³¹

This aspect of police 'discretion' is most disconcerting to feminists who are active on the issue of policing violence against women. However, from the police point of view, any decision made from outside the official categories is unlikely to produce an anomalous situation. Such a decision could come back to haunt the officer if the victim were to call the police station and demand of his or her superior officer that an arrest be made (an unlikely occurrence) or if the situation erupted again after the initial call producing further injury or death. I would argue that street level officers' primary incentive would be to process calls through the official categories. This is evident in the idea that bringing in more 'bodies', that is getting 'results', leads to promotion. Making decisions outside of the linguistic-authority-structure of operational policing which exit cases from the system, running contrary to this logic, can be maintained only because there are so many official exit points from the system. Since the vast majority of cases are written off without an official action taking place, and, since the semantic network employed facilitates this state of affairs, any thinking outside the system, for example using notions of moral blameworthiness, can be viewed as a rationalization after the fact, made by individual officers to explain away an existing institutional pressure.

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Incident driven policing is actually a very limited, prescribed and bureaucratic response to what are, often, highly volatile and, always, unique occurrences. The complexity of individual calls for assistance mitigates against simple and straightforward classifications yet, trapped within a system which confines the police response to a call for assistance within a rigid set of questions and answers, that is exactly what police officers accomplish. Some police officers seem to be aware that any intervention into situations of domestic violence have to go beyond the role that they are trained to carry out:

I think more publicity for Women's Aid and government support should go into it [domestic violence] and I think it is a spin off of bad housing, unemployment and all the problems consequent to that. This in turn can lead to problems with kids. The big question is how do you put a stop to the problem in the first place, which has the spin offs which spin off domestic violence? I remember there used to be a Women's Aid in **** Road, and to be quite honest I am not sure whether it still exists.

Authoritative intervention, advice and referral

Police officers attending calls for assistance generated from domestic violence situations process these cases through a fairly rigidly defined set of institutional categories aimed at responses of criminalization and arrest. The decision to process any such call fully through this system rests with the victim, although police officers are empowered to carry any case through at their own discretion. The fact that so few victims in these circumstances take the decision to have their assailant arrested would indicate that such a single-minded approach is too limited. In fact, the police response is not entirely limited to this core response. Police officers

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attending domestic violence situations, in addition to trying to process the call through the formal categories of policing, frequently have to devote their attention to other tasks.

The first of these can be termed an authoritative intervention, by which I understand police officers intervening to put an immediate halt to the violence or, as they explain it, "to prevent a Breach of the Peace". This is an important aspect of the police role in these situations. Their role as the legitimate manipulators of coercive force means that they are the only organized response to domestic violence which can act in this way. It could be argued that this is a formal role of the police and, as such, it is artificial to separate it from the processing I have already outlined. While it is no doubt true that this is a formal part of 'the Job' and that the 'peace keeping role' is a long established one it does make a certain amount of sense to maintain the distinction. By doing so 'authoritative intervention' is seen as a precursor to (and in some instances instead of) a more formal and systematic response which is aimed at criminalization of incidents and an engagement with the criminal justice system.

A concrete example of this type of intervention was recounted to me by one constable. The scenario involved a family on Christmas Eve. The husband/father had become drunk and abusive towards his wife and children. The wife was asked if she wanted him arrested and her reply was that she did not because "he is a good father to the kids". The attending police officers were unwilling to leave the man in the house because they were unconvinced that violence would not erupt again. Their solution was to take the 'suspect' and drop him off on the motorway, with the intention that he would be sober by the time he arrived home.

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The officer recounting the story mentioned that this is not the kind of intervention which is officially sanctioned. This is quite far removed from the official processing which would gain 'results' in a way recognized by superior officers. Indeed this particular response could conceivably generate some very negative feedback for the officer concerned, but 'authoritative intervention' need not take such an unusual course. When an officer leaves a venue saying "I had better not have to come back here tonight or I'll arrest you", he or she is using a threat calculated to ensure that the immediate situation remains peaceable.³² By intervening in this manner, officers hope to ensure that a given case will not become a matter for official processing. Of course, this bid to control the situation is not always successful, and officers do have to re-attend venues because their first attempt at control did not work. Regardless, it is obvious that these authoritative interventions, while built on the police officer's legitimate use of coercive force, are not interventions calculated to produce results, rather, they operate as another exit from the system.

Operational police officers have other avenues of action as well. These are known as 'advice' and 'referral' which are frequently conflated into one idea. Referral means informing the victim of services available to her, such as a Citizens Advice Bureau, Women's Aid or other agencies. This became increasingly formalized after the Force Order in 1987, with the introduction of cards containing the relevant phone numbers and the routine dispensing of them to victims of domestic violence. However, this should not be seen as anything other than an addendum to the formal processing of calls. My own field work reveals that in cases which were processed fully as crimes there is little, if anything, in the way of referral to other agencies.³³ By making this additional option available to police

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officers, a particular incident can be exited from the system, but the supposed 'referral' means that the victim has been put in touch with an agency which is, in theory, more suited to her needs. Nevertheless, this means that referral is being used only by way of exiting cases from formal police processing. The efficacy of these other agencies in these instances is worthy of discussion at length, but not in this thesis. In terms of the processing being outlined here it can be said that referral is an exit point from the police system and police officers attending calls for assistance used it as such. This point is touched on again in the following chapter.

Advice is often given to the victim at the same time she is being referred. It is most often associated with informing her about the existence and use of injunctions and exclusion orders. These are available through either the civil courts or the Magistrates courts and may or may not have a 'power of arrest' attached. Victims must pursue this avenue under their own initiative and police advice is often along the lines of 'see your solicitor'. The existence of such legislation creates a kind of 'strange loop' in the whole processing of these kinds of cases. Women must apply to the courts for an injunction and police responding to a call for service by advising the victim to see about doing so postpone any action to be taken. If the courts do not attach a 'power of arrest' to the order, police view the document as "useless" and "not worth the paper its printed on".³⁴ This means that any calls for service made in the future are treated the same as the first one, unless, of course, the victim agrees to substantiate the allegation.

The question arises: should this 'advice' be considered as part of the systematic police response? I call this part of the police response a 'strange loop' because it seems to bring the victim back to the same

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position she was in when she made her initial call to the police. This 'strange loop' is a portion of the police response which is quite systematic since officers frequently advise victims to seek such injunctions and occasionally respond to calls for service where injunctions are in force. However, in terms of processing this 'strange loop' does not seem to move the case towards any resolution, nor does it necessarily change the circumstances in which the violence emerged in the first place.

There are several reasons for this. The first has to do with the attachment of the 'power of arrest'. The attachment of these powers is by no means automatic. There is some regional variation, for example in the year 1987 the figures for attachment of a power of arrest to these court orders ranged from 12% in North East England, to an average of 37% in London. Figures for the whole of England and Wales in 1987 indicate that, on average 28% of the court orders granted included a power of arrest.³⁵ As far this civil legislation effects formal police processing it only moves individual's cases through the system if a power of arrest is attached and this outcome is by no means a guaranteed.

The other aspect of this strange loop has to do with the duration of exclusion orders. When the legislation was initially drafted there was no time limit imposed. It was envisioned that women who applied to have their husbands or lovers excluded from the family home because of violence would be getting a long term solution without making themselves, and possibly their children, homeless. When the legislation was put into practice, however, the case law which evolved made the exclusion order a short term measure. Case law reconstructed applications for protection and exclusion as devious attempts to deny husband's property rights.³⁶ As

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a consequence these orders are for a short term only, usually varying between one and three months.

This particular legal option for victims operates through the civil court system and is unique in that it involves police in the enforcement of civil law. It operates beside the more traditional linguistic-authority-structure of the policing of interpersonal violence. It offers the opportunity for formal intervention over a period of time (in practice not exceeding three months), but most often seems to leave the situation unaltered. It does not change the conditions which engendered the violence in the first place nor does it guarantee any specific action by police officers in future instances of violence. Even with a power of arrest attached the existence of an injunction does not require the use of arrest. It is indeed a 'strange loop'.³⁷

Authoritative intervention, advice and referral seem to operate as formal constituents in the lexicon of policing. They warrant a separate analysis, however, because their application subverts the application of the categories for criminalization. The evocation of all three offer opportunities to ease instances out of the system in the event that the victim is unwilling, unable or discouraged from substantiating the allegation of assault. In effect they lubricate the hinge.

Domestic violence units

The operational policing practices I have been discussing thus far have been what could be termed the 'traditional' police response. Although all police officers were affected by the issuing of the Force Order in 1987, none was compelled to use arrest as a means of intervention in cases of domestic violence. Police officers continued to have discretion in all operational decisions and, as I have shown, the main effect of the Force

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Order on police practice with respect to instances of interpersonal violence between intimates, was to tighten up record keeping practices. However, the high priority given to domestic violence by senior management at New Scotland Yard prompted the establishment of 'domestic violence units' at a number of police stations in the Metropolitan region. These units were established under the initiative of local officers at varying levels in the organization and did not reflect a centralized, coordinated effort by police management. Where these units were in operation the policing response was somewhat modified. I had the opportunity to investigate three domestic violence units each of which tackled the problem in different ways, reflecting the local character of the initiatives. In this section I would like to outline the ways in which the operation of these units sought to modify the already existing linguistic-authority-structure for policing interpersonal violence..

The first unit to be established, and now defunct, was set up by two women police officers in one of the police stations in North London.³⁸ The officer in charge was a sergeant attached to the Community Liaison department. As such her role was not specifically established to deal with domestic violence. However, the Chief Superintendent at that police station gave her a wide brief and this created the space to organize a unit for the district in cooperation with a WPC (Woman Police Constable). In addition to the regular duties performed by community liaison officers, duties as diverse as organizing five-a-side football for young boys, speaking to children at schools and meeting with town hall officials, these officers attempted to act as a full time domestic violence unit.

The follow-up call was the central tactic that these officers employed in addressing the problem of how to police domestic violence. These

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officers worked a five day a week nine to five shift and most 'domestics' do not occur during office hours. Additionally, since the initiative was undertaken by officers ranking fairly low in the command structure of the police organization, there was never any question of actually compelling street level officers to change their handling of these calls for assistance. This meant that the initial call for service, taken by officers in the communications room and handled by officers on relief, continued to be processed in much the same way as outlined for the 'traditional' response. However, after the initial intervention at the scene, instead of passing the case to a Home Beat Officer (as in the case of a 'beat crime') or a CID officer (as in the case of a 'major crime') who would then inquire if the victim wished to pursue the allegation in court; all domestics were passed on to the dv unit to make a follow-up call. During this stage, the victim could be interviewed at length about the nature of the offence and the history of the relationship. Inquiry could then be made as to what services she might be requiring. Typically, the officers in the unit raised questions about access to legal aid, short and long term housing needs, and sought to provide a source of emotional support. There was a concern to remain open to any special needs that victims might have. During the initial interview the possibility of pressing charges could also be brought up, but not simply in terms of: 'do you wish to press charges'. Rather, the focus was on helping the victim decide the most appropriate way to secure a safe environment. The officers in this unit worked on the premise that women victims of violent men do not find it easy to press charges for a variety of reasons, not least of which is fear of retaliation.³⁹ Their approach to each case was slow and methodical, during which they taught the victims about the need to build up medical files and files in the local

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housing office. Such records are essential if the victim wishes to pursue criminal charges at a later date or if they wish to be rehoused by the council. Much of the unit's time was taken up helping women to establish these records.

It should be pointed out that the picture which is built up by this approach is not typical of policing; it is not the freeze-frame of a 'criminal incident'. Rather, the picture created as a result of each inquiry made by the unit more closely resembled a social work 'case'. The officers who made up this unit viewed domestic violence as a process, as a dynamic relationship between people who have an ongoing history. The services that they offered were not predicated on the details of a particular incident, although the details of particular incidents remained important to each case. Instead, the focus was broadened to include as much detail about the relationship as possible in order to help the victim define her needs.

One way of seeing this broadened focus is to consider the emotional support offered to the victims. If a decision to press charges was made in an individual instance, one of the officers would help to ease the case through all stages of the system including the trial. As such they performed as a police advocate on behalf of the victim.⁴⁰ Such an approach to policing domestic violence is a difficult and time consuming one. Each case is seen in its uniqueness and the need for an individualized response in each instance is pushed to the fore.

One example of the individual touch of this dv unit, which may be anecdotal but is none the less illuminating, occurred during my time there. I had been talking to the officers in the unit amidst constant interruptions by the phone. One caller, who had been in touch with the police for some

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days, phoned up to tell the officers that she had decided to move into the local refuge where there was a place for her. The problem was that she was reluctant to leave her pet dog in the care of her violent husband and the refuge would not allow her to bring it. This, typically, would be the kind of problem that police officers could not deal with, it being outside of the confines of the normal bureaucratic management of such cases. In this particular dv unit, however, such a problem was put on the 'things to do list'. Rather than translating every case into the common vocabulary of 'victims', 'villains', 'crime' and 'no-crime' in order to arrive at a solution, actions were guided by the unique needs of each particular instance. In the language of police managers the 'social service role' is accentuated rather than the 'law enforcement role'.

This does not mean that the traditional linguistic-authority-structure had been over-ridden. Police officers attending the original call for service continued to apply this semantic network and each incident was graded into the normal categories: CA, ABH, GBH or any others relevant. The difference came at a later stage in the processing when the victim was asked about her wishes regarding charging her assailant. At this stage a great deal of time was devoted to determining the specific needs of the victim. This is, in fact, the most important stage from the point of view of the victim, in which she is given the opportunity to explain and detail her specific needs. These may vary widely. The needs of a middle-aged Gypsy woman may be very different that of a young Afro-Caribbean or Asian woman. Living in privately owned accommodation presents different legal problems for rehousing than living in a council owned flat. Above all these women experience their victimization as individuals and their greatest needs often stem from their social isolation. By emphasizing the delivery

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of social services, the police officers in this unit directly confronted the individual and unique aspects of each case.

Arrest and conviction remained the primary focus of this police activity and, like the traditional model, the decision to pursue an allegation of a crime continued to rest with the victim. The difference is that in the traditional model the police offer little or no support in its pursuit. Rather, the details of the incident are recorded and relevant evidence is gathered, but no more. The value of the alternative approach is that the criminalization of a particular incident proceeds in the context of support for the victim, and with attention to the particular needs of the individual. However, there is a problem with this model from the police point of view, in so far as it is difficult to manage the vast number of calls for service that the police receive in such a labour intensive and time consuming manner.⁴¹

The model established by London's first domestic violence unit, what I have been calling the 'North London Unit', need not, however, be such a labour intensive enterprise. I had occasion to spend some time with another dv unit, which was set up along the same lines as the prototype discussed above, hence, I will refer to it as the 'copy-cat' unit.⁴² Perhaps not surprisingly, this unit was also established through the auspices of the community liaison office, under the supervision of a male Inspector. The unit itself, referred to as a 'dedicated domestic violence unit', consisted of two female officers, one at the rank of sergeant and one at the rank of WPC with plans to obtain another officer.⁴³ The unit had been in operation seven months at the time of my first visit. At that time there had been little success in replacing the 'traditional' system. That is, many calls for

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service were not met with an arrest at the scene and only a small proportion were actually followed up by the officers in the unit.⁴⁴

The sergeant in charge of the day-to-day running of the unit indicated that arrest at the scene was somewhat problematic for two reasons, the first being that attending officers were not grading calls for service into the appropriate categories (ie. arrestable offences; ABH, GBH, Threats to Kill etc.). The reason cited for this was that "bruises take time to show up". The problem of classification is an intractable and recurrent one. Provisions under PACE do not require such visible signs and arrest could be considered appropriate even where no injury is apparent (as in the case of an extremely distraught victim or where there is a need to protect a vulnerable person for example). Senior officers have referred to this problem of classification as "lowering the threshold of ABH", teaching relief officers to class incidents into this category with *less* evidence of actual injury.

However, this was not the biggest problem. Officers on the unit indicated that they did not have a great deal of success getting victims to pursue criminal allegations in court and, further, that officers on relief used this as a justification for not arresting at the time of the original call for service. The argument put forth by relief officers was that arrest is an option only if the case was expected to proceed to court. According to the officers in the dv unit the relief officers were uncooperative with efforts to "respond more positively to domestic violence". Relief officers made the argument that their job was to arrest offenders and bring them to court and further, if this was not going to happen in a particular case, it was not properly part of their job to arrest. According to the sergeant who supervised the day to day running of the dv unit, "they [the officers on

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relief] know that the CPS will not compel witnesses". She stated further that she thought using the compellability clause was "a good idea because it takes the pressure off the victim." The picture that emerged was that policing (as far as it involves the simple criminalization of particular instances of violence, the arrest of an offender and the testimony of a victim/witness) reaches an impasse because victims are reluctant to pursue a criminal allegation.⁴⁵

In fact, the officers in this unit indicated that most of their efforts, as regards specific incidents, were channelled into helping victims obtain injunctions. Reliance on this civil legal remedy begs the question as to how far this approach actually differs from the 'traditional' approach. It may be seen that the traditional linguistic-authority-structure has not actually been subverted. The success of this model relies on the personal energy of individual officers aimed at getting victims to pursue criminal allegations in court, to gain results. The officers from the North London unit estimated they spent on average seven hours per case, whereas the officers in the 'copy-cat' unit indicated on average only one hour for each incident. In the absence of high levels of motivation a 'dedicated domestic violence unit' need not be any better at service delivery to victims than one which leaves the responsibility for follow-up calls in the hands of the CID or Home Beat Officers.

This is an oversimplification of course. There is an important difference, between what I have termed the 'traditional' response and the what is accomplished by a 'dedicated domestic violence unit'. As mentioned, with the 'traditional' response follow-up calls would be given either to Home Beat officers or someone in the CID, depending on the severity of the offence. When such follow-up calls become the property of

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a dv unit, this may or may not result in a more rigorous pursuit of the case in question, depending on the motivation of the officers involved. However, it does ensure that those crimes will be accounted and documented, usually resulting in a crime 'cleared-up', whereas in the traditional response this would usually end up classed as 'no-crime'. The difference here is that crimes cleared-up are maintained as records and show up in official police statistics released to the public whereas crimes classed as no-crime simply disappear from the record altogether.

The differences between these two dv units illustrate the point that police management is concerned with "efficiency" and "value for money", usually assessed in terms of the 'clear-up rate' and the number of arrests rather than helping people and service provision to victims. As such, police managers tend to want to find a more standardized and bureaucratic approach to organizing the police response based on the former criteria. Some interesting innovations in keeping with these strictures have been implemented in another of the experimental dv units set up in London.

This unit was established in South London by a Superintendent, that is, an officer with a great deal more seniority than the officers who established the unit in North London. This officer established a dv unit after being transferred to a new division where monitoring the police response to domestic violence had already been established. This monitoring had been organized by Susan Edwards, an independent researcher. With her cooperation, a dv unit was set up altering the police processing of domestic violence incidents in order to 'prioritize the use of arrest'.⁴⁶ Unlike the unit established in North London or its copy-cat version, this unit was the initiative of a senior police officer who could order the modification of the response of street level officers.

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Discretionary powers involving the use of arrest in any case involving ABH or GBH are in the hands of street level officers and the policing approach used in South London was built on this legal power. This approach required two things. Firstly, incidents must be classed into the appropriate categories since police are not empowered to use arrest in cases of Common Assault. Managers at this particular station were particularly interested in getting their officers to classify more incidents as cases of ABH, that is: "lowering the threshold at which charges would be made in cases of domestic violence" In this regard, the classification of ABH was widened in accordance with the provisions of PACE and included not only bruises and other signs of physical attack, but also the infliction of pain or even 'psychological pain'. The Chief Superintendent informed me on one occasion that "if the police officer arrives and the woman is in hysterics, that can be considered Actual Bodily Harm". In addition to widening the scope of incidents which are potentially arrestable, police officers are encouraged to follow it up with an arrest removing the alleged assailant from the scene. In these instances, the suspect is arrested and taken to the station for a 'cooling off' period. During this time he is fingerprinted. I was informed that this was done because of its 'symbolic function'. It was reasoned that the suspect must be shown that this is a serious breach of the law and that formal charging procedures would have this effect. Following this 'criminalization ritual' the suspect would normally be released after a two to eight hour period, subject to the provisions that he admitted his offence, had no record of previous assaults on his partner and that the victim did not wish to pursue the allegation herself.⁴⁷

What followed was a two month monitoring period. Police would keep in touch with the victim to check that the violence was not being repeated.

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After the two month period was concluded the suspect would be interviewed again by a senior officer, in uniform, and required to sign a form admitting his offence. Following that, the suspect would be released with a 'formal adult caution', that is, a record of his offence. This again was intended to have an important symbolic function, impressing upon the assailant that he had committed a crime. In contrast with the dv unit in North London, and in common with the 'traditional' approach, this unit focused on the details of the incident and sought to make an impact on the suspect. Follow-up interviews were conducted with victims, but these were primarily in the context of evaluating the deterrence value of arrest and not with assessing her needs or in providing her with social services. The police in this dv unit did provide referrals to social service agencies and, in this respect, carried on practices associated with the traditional approach.

The approach adopted in the South London dv unit is very efficient from the police perspective. It consists of a simple modification of the traditional linguistic-authority-structure, classifying more incidents into the ABH category and using the legal powers associated with it. For ground level officers who receive the initial call for service, it provides a relatively simple procedure which relies on legal thinking and the old categories of institutionalized policing. From the police management point of view it is particularly attractive. Reliance on legal thinking and the institutionalized categories of policing mean that it is much less likely that police officers will be inclined to use moral judgements in incidents involving domestic violence.⁴⁸ It also meant that it is easier for management level police officers to maintain surveillance of their front line officers, since all calls for service were to be recorded in the

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appropriate manner. The result of this system is the provision of a service which is 'uniform' and, although it represents an increased involvement of the police in these cases, one which does not take account of the unique aspects of each individual instance.

In terms of service delivery to the victims of domestic violence this model is not much better than the traditional response.⁴⁹ It relies heavily on the notion that arrest by itself is a deterrent to further violence; that booking has a bite. The evidence to support such a claim is at least questionable (see chapter four), but, more importantly, this type of intervention cannot be expected to impact on the situation in a way which changes the circumstances which produce the violence in the first place. It has been pointed out by refuge workers that men can control their violence resorting to more sophisticated and subtle means of intimidating their partners. There may be a period of years in which violence is not utilized and other controlling behaviours used instead. Police intervention predicated on the use of cautioning cannot address these problems.⁵⁰

Summary and conclusion

In this chapter, the general categories of operational policing employed in processing calls for assistance involving interpersonal violence were outlined. These categories included the classification of incidents into 'common assault', 'actual bodily harm' and 'grievous bodily harm'. In addition, such notions as 'criminal damage', 'threatening behaviour', and 'breach of the peace' were also seen to be utilized on occasion. It was also noted that the logic with which these categories were applied was not always straightforward and two examples of 'twisted logic' were cited. The central concepts for processing these incidents were the

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notions established as polarities: 'victim' and 'suspect', 'not guilty' and 'guilty' and 'no-crime' and 'crime'. These polarities are bridged by substantiation of the allegation by the victim. The phrase 'victim unwilling to substantiate the allegation' takes on the status of an official category for operational policing which functions like a hinge between these polarities.

The existence of what has been referred to as 'remedies in civil law' and their effects on the application of the linguistic-authority-structure of policing interpersonal violence in instances involving intimate couples was also addressed. Frequently the application of this addendum to the official lexicon resulted in a 'strange loop' which brought all parties concerned back to their original starting point. The notions of authoritative intervention, advice and referral were also addressed and it was argued that the application of these notions serves to ease the exiting of calls for service from the system.

In addition to explaining how the official lexicon of operational policing is employed to process calls for service I also showed examples of officers thinking outside the official categories of policing. In showing how officers think around the categories of 'the Job', some of the shortcomings of simple criminalization of domestic violence were illuminated and the need for other services, particularly refuge provision and intervention by other social service agencies, was brought to light. In addition it was shown that officer's thinking outside of these official categories did not always portray victims in a positive light. However, it was argued that issues of moral blameworthiness did not contradict the logic of the linguistic-authority-structure which, on the whole operated to facilitate the exiting of calls for service from the system without recourse to its ultimate

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sanction. Further such thinking 'outside the system' operated as a rationalization by police officers after the fact.

Having outlined the 'traditional response' to such calls for service, the operation of three 'domestic violence units' was described. The first unit to be established in London, termed the 'North London Unit', used a labour intensive and time consuming approach which assured that, even in cases where a criminalization response was not achieved, police officers were intensively involved with the victims helping them to assess their own needs and advising them on how to go about realizing them. This unit took responsibility for follow-up calls away from the Home Beat Officers and CID who normally limit their enquiries to whether or not the victim wishes to pursue a criminal charge. Another unit which employed this same basic line of action was also described. This second unit did not give as much time to individual cases and, where criminal allegations were not pursued, police officers limited their role to helping victims obtain injunctions. Given the propensity of these injunctions to create a 'strange loop' in which, after the terms of an injunction lapse (usually three months), the victim finds herself in an unchanged situation, it is not altogether certain that this is a positive advance.

A third dv unit, what was termed the South London Unit, was also described. This unit was shown to be genuinely different from the first experimental unit in North London. Arrest at the scene was the primary focus of this police activity, followed up with deferred decisions and the use of formal cautioning of suspects. The workings of this unit were organized around the notion that 'booking has a bite' and that the 'criminalization ritual' would have a deterrence value in and of itself. This unit's *modus operandi* did not necessarily overcome problems of service

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delivery to victims. The decision making process remained focused almost entirely on the suspect. However, this initiative did ensure a relatively homogeneous response which virtually guaranteed that suspects will be detained in the first instance.

In terms of comparing the responses of these three units, it can be said, unequivocally, that the North London Unit could be expected to achieve the best results over the longer term. However, it would be hopelessly idealistic to imagine that this model, fueled by the energy of such dedicated officers, could be generalized to the whole of London. What is more likely is the emergence of versions much like the 'copy-cat' unit. It is difficult to see how this unit is much of a change from the more 'traditional' approach, except with reference to record keeping and, possibly, with reference to helping the victims obtain civil injunctions. Neither unit was successful at making arrest at the scene a matter of routine; which is in direct contrast to the South London Unit. The efforts there were aimed almost totally at giving priority to the use of arrest in the first instance and the role of victim support was seen as somewhat tangential. Given the nature of organizational constraints in the police institution it is possible to say that both the 'copy cat' unit and the South London Unit are generalizable, however, given the nature of calls for service involving domestic violence it is not altogether certain that accomplishing this would be of substantial benefit to victims.

1 Defining 'domestic violence' is a difficult task since there are so many definitions available. For the purposes of gathering data I defined 'domestic' in the widest possible sense in order to capture the widest range of variation. This meant encompassing a definition which included not only incidents between husbands and wives but also lovers and ex-lovers, as well as incidents involving other family members. I also decided to take some notice of incidents involving neighbours, landlord-tenant disputes and people sharing accommodation, although these disputes are not taken account of in the sample itself. Incidents between couples with

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some kind of 'intimate bond' formed the vast majority of all of the cases in the sample, accounting for 76% (84 out of 110 cases).

- 2 There is some question as to how far these findings can be generalized. Some of the central categories that police officers employ are general to policing and, as such, these findings might be generalizable to any police force. However, there are some mitigating factors. For example, the station I studied was in a cosmopolitan urban area and policing in this milieu is different than it would be in a rural area where officers might know the civilian population they police on a more intimate basis, which may affect police action. Differences in the milieu policed may account for some variation in police practice, however, there are also some differences in the actual analytical categories available to police officers in different locations. During conversations with officers from other forces I learned of such categorical acronyms as CST (caller seen and thanked) ESTC (early shift to call) and PB (police baffled) used for recording the processing of incidents. These particular acronyms were not encountered in the Metropolitan context. It must be said, however, and the analysis bears this out, that these are very minor differences in the lexicon of policing.
- 3 I am grateful to Professor David Cowell and Dr. Susan Edwards for giving me access to this data. These interviews were part of an initial evaluation of the policing of domestic violence in London conducted by these researchers from the Polytechnic of Central London in 1985.
- 4 It has been pointed out that "incidents requiring police action originate not only by phoned communications to police departments, but also by citizens calling upon the police to act in a field location, by personal appearance at a police station, or by police officers observing behaviour or incidents as they occur." Black D.J. and Reiss A.J. 'Patterns of Behaviour in Police Citizen Transactions' in Studies of Crime and Law Enforcement in Major Metropolitan Areas Vol II Office of Law Enforcement Assistance 1965 pg. 4. In my study, telephone communications proved to be by far the most frequent method of obtaining police assistance in cases involving interpersonal violence between intimates. Field mobilizations by citizens in these situations accounted for very few incidents and officers did not appear to initiate any actions based upon their own observation of ongoing incidents. Citizen complaints direct to the police station were also rare. Specific quantification is not possible due to unreliable record keeping. Police records concerning serious offences contain no information as to how incidents came to police attention and CAD records do not contain information about field mobilizations. It is only in IRBs that mention of method of mobilization is mentioned and it is from these records that my rough estimations were made.
- 5 P. K. Manning 'Organizational Control and Semiotics' in Control in the Police Organization ed. M Punch © 1983 published by the MIT Press Cambridge Mass. pg. 174
- 6 It should be noted here that the term 'domestic' has historically had only semi-official status as a policing category. Although all officers at all levels of the organization knew and used the word it did not have a formal place in the lexicon of operational policing. This meant that, historically, there has been no special record keeping practices associated with domestics, they have been filed and treated the same as other calls for assistance involving interpersonal violence.
- 7 Other researchers have noted that the response can only be considered automatic in cases which can clearly be defined by the officer taking the message as something which concerns the police. This can create problems when the caller and the dispatcher have differing understandings of matters which call for a police response. Generally, police only respond

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when there is an indication that there is a public order problem or an offence has been committed. MacCabe and Sutcliffe note that calls for assistance which come to the station over the phone are likely to result in police attending the venue because such calls cannot be properly evaluated without an enquiry at the scene. McCabe S. and Sutcliffe F. Defining Crime A Study of Police Decisions published by the Oxford University Centre for Criminological Research © 1978 pg.40

- 8 Of particular importance here is when large numbers of officers are mobilized to police public events, such as football matches. In these situations 'the patch' is often left with a shortage of police personnel.
- 9 It seems, from talking to officers, that situations in which the offence is on-going are always given priority. So, for example, a reported burglary is different from a report of a burglary 'in progress' and requires a quick police response. The content analysis of police files reveals that domestic disputes are reported to the police after the fact either over the phone or, on occasion, directly to the police station. In these instances a rapid police response is not required. Instances where the dispute appears to the dispatcher to be on-going seem to be the kind which are prioritized in this manner.
- 10 Older police officers whose training was conducted before the introduction of personal radios and the CAD system told me that this technology changed the attitude about the need to 'get there fast'. Previously, under the 'fixed point system', when an officer would respond to messages received on the old 'Dr, Who telephone box', there was an inclination to walk to the venue, giving the situation time to cool down before the arrival of the police. It seems that, after the introduction of automobiles officers became motivated to get there as quickly as possible as they are judged on their 'response times'. This has been mentioned by Simon Holdaway in Inside the British Police, Oxford Basil Blackwell © 1983, with regard to the potential for exacerbating tension in police-public encounters. A corollary of the need for fast response times, not mentioned by Holdaway, is the perceived need by officers assigned to patrolling in vehicles to 'finish the job' expediently in order to be ready for the next 'job'. This haste may have negative consequences, as is brought out in chapter eight.
- 11 There are four relevant response categories: 1) NCPA, No Call for Police Action; 2) LOA, Left on Arrival of Police; 3) AQOA, All Quiet On Arrival; and 4) ASNT, Area Searched No Trace. All of these categories mean that the call has been exited from the police system.
- 12 According to a study conducted by a research team from Central London Polytechnic in 1985, this particular police station processed 131 calls out of a total of 449 incoming (29.1%). This same police station, ten months after the issuing of the Force Order, fully processed a total of 38.2% of incoming calls. So, while the category of NCPA had not been totally eliminated its use has been somewhat curtailed.
- 13 There was also contradictory evidence offered about the presence of police officers. It has been mentioned to me by a number of officers, and some responses in the 1985 interviews bare this out, that women have 'had a go' at police officers when they arrive on the scene and appear to be taking stern measures against their husbands. Michael Chatterton's observational work on policing and assault charges indicates that people initiating these calls for service clearly expect police officers to play an adjudicary role. Adjudication is not, however, a component in the linguistic-authority-structure of operational policing and the conflicting expectations of police officers and the parties involved around this issue give rise to problems. see M.

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Chatterton 'Police Work and Assault Charges' in Control in the Police Organization M. Punch ed. published by the MIT Press Cambridge Mass. © 1983 pg.198

- 14 In fact the Computer Aided Dispatch (CAD) System has four numbers for coding the response to calls for service (numbers 40, 42, 44, 46) which correspond to the old acronyms NCPA, LOA, AQOA, and ASNT.
- 15 One female PC talked about this particular tactic calling it a "naughty" but effective way of dealing with instances where control of the situation was proving difficult.
- 16 From these data, assessment of the role of Breach of the Peace in these instances is somewhat problematic. The content analysis of police files revealed that BoP was not used in any instances which could be defined as domestic in any sense (including incidents occurring between couples in public places). This may have been the result of local practice. The interviews conducted in 1985 consistently asked police officers about their use of BoP powers in connection with giving short term "protection" to the victim. Given that nearly all the officers interviewed were asked this question it may be that the interview itself made an issue out of something which was not normally one for police officers. However, none of this changes the fact that BoP is an official police response which can be activated in these instances and which, if invoked, exits the call for assistance from the system.
- 17 Often times the call for assistance will involve damage to property rather than an assault against the person. In such instances a charge of Criminal Damage would be used. Also, offences classed as GBH may include Section 20 offences defined as "unlawful or malicious wounding or the infliction of grievous bodily harm" or Section 18 offences which are slightly more serious since they include assaults "with intent to maim, disfigure or disable". Any incident involving a Common Assault should generate a report in an Incident Report Book. Incidents involving ABH are classed as 'beat crimes' and incidents involving GBH are 'major crimes'.
- 18 Such an exercise could conceivably be of interest in order to compare definitions between male and female officers and perhaps to see if length of service changes perceptions of the boundaries of the categories. In order to do so a standardized questionnaire would have to be administered.
- 19 This particular episode was told to me by police officer on the crime desk in a police station. The aim was not clear to me, but it seemed likely that what was hoped for was a guilty plea to the lesser charge.
- 20 Thus, the division of labour is itself reflected in the linguistic-authority-structure.
- 21 At the time my field work was being carried out officers used a standardized form, Form 142, for correspondence with victims in these instances. The most frequent message contained on these forms was for the victim to recontact the police station so that further details could be obtained. It was not uncommon for incidents to be exited from the system at this point because the victim did not respond to the request. One particular case file indicated that the Home Beat Officer made four attempts at re-contact without success.
- 22 In my examination of 110 case files fully 71.5% of all cases which could be classed as between spouses or former spouses, lovers or former lovers and which involved a degree of injury sufficient enough to warrant recording in the crime files were closed in this manner.
- 23 Police and Criminal Evidence, The College of Law Lecturers; © 1986 The College of Law, St. Catherines Surrey

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- 24 Lambert, J.L. Police Powers and Accountability. © 1986, Croom Helm Ltd. New Hampshire U.S.A.
- 25 op. cit. Police and Criminal Evidence © 1986
- 26 Only 18% of cases classed as Beat Crimes and 50% of cases classed as Major Crimes between intimates in my study were 'crimed'.
- 27 "The cynical view on the new Force Order", one Police Sergeant told me, "is that we're supposed to do a bit of verbal GBH to get the woman to lay charges." This particular officer told me on another occasion that the Force Order had not really changed the way the PCs he supervised did things, except with regard to paperwork. He said that "before the new policy if the victim wanted to pursue the matter we certainly did, but without the victim's cooperation, it [the Force Order] doesn't seem to make much difference."
- 28 Some police officers I talked to put the blame for this state of affairs on the CPS. The implication being if the courts were more lenient about the standard of proof then police officers could process more cases. However, the CPS was not in operation in 1985 when the first interviews were conducted but the same logic was being applied with the same rigour. This logic is a product of incident based policing, a logic which fits easily with the system further along in the criminal justice process.
- 29 During my time with one of the 'domestic violence units' one officer recounted a case that she had nurtured all the way to court, only to have the charges withdrawn by the complainant at that stage. I remarked to her that this was the kind of case that made officers cynical about dealing with these kinds of cases. Her reply was "Yes, I try not to get discouraged but in that particular case I was, very. In fact, I had to leave the court because of what I would have said to the woman. If she comes to us again I would still help her because that's my job, but then I'm very dedicated to this particular issue." She went on to admit that it was unlikely that every officer could successfully guard against internalizing the cynicism inherent in these episodes.
- 30 After the Force Order was issued it became virtually impossible to hear police officers making statements of this nature. I was made aware of this when Christmas shopping in 1989 near Camden market when I was the subject of a 'stop and search' by two officers of from Kentish Town Police Station. The search did not reveal anything untoward and I was able to turn the discussion around to the policing of domestic violence. I was surprised to hear these two burly police officers assure me that they took domestic violence "very seriously". They were, however, unable to tell me how many refugees were on their 'manor'.
- 31 Chatterton observed one particular case where the attending officer used criterion of moral blameworthiness in order to make a decision to exit the case from the system. The level of injuries sustained in the case in question were sufficient to provide the grounds for arrest. However, the suspect in this case pointed out that the victim had not been doing her domestic chores. The officer seeing that "there was no fire in the place despite the fact that it was a cold night, and the unwashed breakfast pots on the table. There was a bundle of dirty washing in the corner of the room..." talked the aggrieved party out of pursuing charges. in Chatterton M. 'Police Work and Assault Charges' in Control in the Police Organization M. Punch ed., Cambridge Mass., MIT Press © 1983
- 32 MacCabe and Sutcliffe also note specific examples of police intervening in this same manner. They also note with reference to domestics that police business is understood by many officers to be concerned with what happens after an offence has been committed rather than the prevention of crime itself. op. cit. Defining Crime pgs. 44-45

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- 33 This is particularly true in cases which are filed as major crimes. Content analysis of the Major Crime File reveals that incidents involving serious damage to property and injury which could be fully processed as crimes were never accompanied by the advice and referral which were ubiquitous in cases not proceeded with. This would indicate that 'advice and referral' are an addendum to police practice only when the full criminalization process cannot be invoked, acting to ease the exit from the system. There is a role that advice and referral can play even when cases are 'crimed'. Victims need information about insurance claims compensation for injuries sustained and rights to protection in the future. It appears that instead of such advice being offered as a way of providing a service to victims it is being used as a way of hiving off responsibility to other agencies.
- 34 From the interviews and from talking with police officers it appears that they regard the attachment of a 'power of arrest' as a guarantee that the courts will take the case seriously if the injunction is breached. Since their main criteria for proceeding is whether or not they can build a case which will succeed in court, injunctions without such powers lead police officers to pre-judge cases and exit them from the system. In such a situation the woman concerned is no further ahead in obtaining any concrete help despite having called the police and attended court.
- 35 Judicial Statistics for England and Wales Annual Report, 1987 London HMSO table 5.17.
- 36 Edwards S.S.M. *Policing 'Domestic' Violence*. London, Sage Publications, © 1989 pgs. 72-73
- 37 Although, as is shown in chapter eight, the existence of an injunction can create the intellectual space for an authoritative intervention, even when the specific instructions contained in it are ambiguous.
- 38 In fact this unit, as it is described here, was in operation for only one year. During that time it was given extensive media coverage including two television documentaries. Both officers involved were said to be 'high fliers' by other police officers with whom I have spoken. In fact the sergeant who initially established the unit went on to do a higher degree at University (by her own reckoning this was unusual for officers only at the rank of sergeant) and the WPC was promoted and placed in charge of a 'child protection unit' at another police station. There is every reason to believe that the distinctive style of this unit departed with these officers.
- 39 I talked at length with the officers on the unit about the problem of continued harassment of victims by their husbands. One of the problems that police often encounter in such instances is that many cases are dropped by the victim at the court stage. The implication is that victims are intimidated into withdrawing the charges. This particular unit had a contingency plan for these instances which required close liaison with the Crown Prosecutor. It involved arranging that the CP would immediately request an adjournment if the victim tried to withdraw the charge in court. He would then get in touch with the DV Unit. It was explained to me that "we can then get in touch with her and make sure that she is withdrawing for the right reasons. Quite often what we find is that her husband has put pressure on her, but once she finds out that we will support her we can usually do something about it."
- 40 This enhanced victim support by police officers is particularly important in the British context where the infrastructure for responding to the needs of women victims of violent men is very under-developed. This is why the focus on helping women establish medical files and with the local council is so important. Such work does not necessarily impinge on any subsequent decision to press charges nor is it of any help should the case be pursued in court, however it does provide concrete assistance to victims which may help them to leave the violence should they wish to. It should be pointed out that while the officers in this unit

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devoted a great deal of time to the support role, 'social service work' in police parlance, it should not be assumed that other units in London do the same.

- 41 The sergeant in charge of the DV Unit informed me that on average each case took seven hours of the unit's time to process completely. If the results of the first Islington Crime Survey are extrapolated to the Capital as a whole this suggests around 750,000 assaults per year by men on women with whom they had present or past relationships, see Jones, T., Maclean, B. and Young J. The Islington Crime Survey Gower Press © 1986. Other studies indicate that police receive roughly 58,000 calls for service per year regarding domestic violence, see S.S.M. Edwards 'Police Attitudes and Dispositions in Domestic Disputes: The London Study' in *the Police Journal*, July 1986. Domestic violence exhibits a considerable potential to absorb police time.
- 42 Interesting to note is that the relations of command in this second unit was somewhat different than the prototype. The 'North London Unit' was established by the two women officers concerned and, although they were technically answerable to a superior officer, their work in the unit was essentially defined by them. Not so in this second unit where the traditional relationships between ranks was much more in evidence. The 'copy-cat unit' was set up by an Inspector in charge of 'community relations' who also supervised the work of the Home Beat Officers. The work of the dv unit owed more to his direct supervision. Incidentally, the label 'copy cat' is not intended to be derogatory.
- 43 It is interesting to note the prevalence of women police officers in these units. The WPC in the unit told me that the last two WPCs at this particular station to get pregnant were offered posting to the domestic violence unit but turned it down. She herself was a new mother and indicated that working regular office hours suited her own needs very well. Women police officers, including the two in this unit, argue that they are more appreciative of victims circumstances than their male colleagues. There is some tension here, if not complete contradiction; I have also heard a number of female officers express the fear that making 'domestic violence' the exclusive preserve of female officers may serve to marginalize the work.
- 44 The officers indicated to me that of the 24 incidents which had come to their attention over the preceding two weeks they had personally visited victims in only three instances.
- 45 The sergeant in charge of the day to day running of this unit recounted her problems in getting a "training session" for the officers on relief. The session was delayed two times before she was given ten minutes to give a talk during parade. The relief was unreceptive to her message because of the problem of not being able to get cases to court. According to her account, at this point in the discussion an Inspector intervened with the message that "we have got to take this sort of crime seriously". Officers on relief were still not persuaded by the Inspector ("who has a degree") because, in the absence of the victim pursuing a criminal allegation and in the absence of the CPS utilizing the compellability clause in the PACE, arrest was considered by them to be inappropriate.
- 46 The Superintendent who set up this initiative was very much concerned that policing domestic violence should remain within a generalist procedural model. As such, he did not wish to acknowledge that a Unit had been established, nevertheless he had detailed two female officers to collate statistics on domestic violence and this has led people to refer to a dv unit. Indeed, the only person who did not refer to it as a Unit was the Superintendent who set it up.
- 47 Strictly speaking the 'criminalization ritual', insofar as it included finger-printing, was illegal.

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- 48 It was a perception held by both management level officers and researchers involved in this unit that police officers were 'taking the side' of the assailant in instances of domestic violence; that officers would be given details about what had led to the assault which would lead them to make judgements about the moral blameworthiness of the assailant. The changes instituted in the South London unit with respect to charging were calculated specifically to prevent this from happening. On moral blameworthiness in police decision making see M. Chatterton 'Police Work and Assault Charges' in Control in the Police Organization M. Punch ed. © 1983 pg. 212-13)
- 49 It may be objected that incarceration for a period provides an important 'cooling off' period during which the victim is protected from the suspect. However, my field work indicates that police officers have improvised 'cooling off' measures in the past some of which were at least as effective as this one.
- 50 Sandra Horley 'A Caution Against Cautioning' in *Police Review*, March 9, 1990.

Hey Joe
where you goin' with that gun in your hand?
I'm goin' out
to shoot my baby
'cause I caught her
messin' with another man

Hey Joe
I heard you shot your old lady down
Yes I did
cause I caught her
messin' 'round town

Jimi Hendrix

A Content Analysis of Police Files Regarding Domestic Violence

Introduction

In the last chapter I systematically laid out the discursive processing that police officers undertake when they take a call for service involving interpersonal violence between intimates and turn it into an object for policing, that object being: a 'domestic violence incident'. In this chapter I would like to present a content analysis of 110 police files gathered from one police station over a two month period. I have several objectives in doing this. The first is that the data contained in these files will tell the reader something about the nature of the domestic violence calls that police are called to since, even though all of the accounts are filtered through the linguistic-authority-structure of operational policing, the records contain many specific details about a variety of domestic settings and situations that are of intrinsic interest. The second aspect of this presentation, perhaps the most obvious one, is that it will reiterate the practices of policing already discussed, thus giving the reader another chance to see the application of the analytical categories of policing. These two aspects of the presentation, taken together, will make both the content and form of the policing of domestic violence less opaque.

More importantly, this content analysis will give an opportunity to display domestic violence within the constellation of other policing duties and doing so should further clarify the logic that police officers employ. A connected task is the quantification of the contents of these files, giving the reader some notion of overall frequencies. This exercise in quantification is a fairly high level abstraction from the discursive practices of front line officers, but it is also more than that. Similar exercises are conducted everyday by police managers in many positions in the organization. Such quantification is a systematic representation of the

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'knowledge' of policing most often carried out by police officers themselves. As such, carrying out this task will lend insight into the manufacture of police statistics, itself, an essential part of modern policing practice.

However, before embarking on this project, it is necessary to briefly mention the changes brought about by the Force Order in the police station from which this sample of files was taken. At the time of my field work, there was no domestic violence unit in operation nor were any other special procedures in general practice. This meant that the traditional response, as presented in the previous chapter, provided the model for police intervention in all instances of interpersonal violence. However, there was a considerable stress on record keeping practices involving domestic violence and *Instruction 15/87*, which came out of the Chief Superintendent's office at this police station on June 25th, 1987 required officers to pay "particular attention to the full reporting of such incidents" in order "to enable statistical and factual retrieval to take place." This concern is evident in the table on the following page.

As can be seen from the overall totals and percentages, police officers were recording more calls for service than previously. A two fold increase (as a percentage of the total) in incidents classed as Beat Crimes is notable. This increase conforms with the desires of the instigators of the force policy on domestic violence who, it will be recalled, wished to see more cases classed as ABH (an arrestable offence) rather than the lesser charge of common assault. Incidents classed in the lesser category also increased significantly. The minor drop (as a percentage of the total) in cases classed as major crimes is a statistical anomaly brought about because of the inflation of the lesser categories. Yet, in absolute terms, this category also

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experienced an increase. However, as this table indicates, the issuing of the Force Order was not an unmitigated success. It appears that over sixty percent of incoming calls still remained unrecorded.

Table One

| Year | 1985* | 1988 |
|--------------------------------------|-----------------------|-------------------------|
| Total Number of Calls for Assistance | 449 (over six months) | 654 (over six months)** |
| Occurrences | 74 (16.4% of total) | 126 (19.2% of total)† |
| Beat Crimes | 37 (08.2% of total) | 102 (15.5% of total)† |
| Major Crimes | 20 (04.4% of total) | 24 (03.6% of total)† |
| Total Processed | 131 (29.1% of total) | 250 (38.2% of total)† |

* Figures come from 'The Police Response to Domestic Violence in London'
Dr. S.S.M. Edwards (unpublished)

** Figure derived from one month's incoming calls multiplied by a factor of six

† Figures derived from documentation covering a two month period

Three levels of 'incident' the Occurrence Book file

In the previous chapter, the idea that police officers grade calls for service into different categories was introduced and the examples of 'common assault', 'actual bodily harm' and 'grievous bodily harm' were cited. All of the tables that follow display the contents of three different files which correspond to this graded hierarchy of violence. These files are labeled the Occurrence Book file, the Beat Crime file and the Major Crime file respectively. By and large, those instances filed in the Occurrence Book file were cases in which the relief officer originally called to the scene dealt with the case, whereas those filed as Beat Crimes were normally be

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forwarded to a Home Beat Officer for follow-up calls. Instances filed as Major Crimes were most often followed up by an officer from CID.

In the Occurrence Book file there were a total of forty two incidents which conform to the operational definition of 'domestic violence'; that is, violence involving the police in disputes between persons in an intimate and cohabiting relationship, either present or past. A further ten cases were outside this formal definition, but could be included within a wider understanding of violence in private settings. Of the domestic violence incidents, twenty-eight involved couples cohabiting at the time of police intervention. This can be seen in Table Two.

Table Two
The Occurrence Book File
March/April 1988

| Definition | Classification | March | April | Total |
|-----------------------------|---|-----------|-----------|-----------|
| Domestic Violence | domestic dispute (cohabiting couple) | 12 | 16 | 28 |
| | domestic dispute (non-cohabiting couple) | 8 | 5 | 13 |
| | breach of injunction | -- | 1 | 1 |
| sub-total | | 20 | 22 | 42 |
| Other Family Violence | Child at Risk | 1 | -- | 1 |
| | Familial Violence | 3 | 3 | 6 |
| | Other | -- | 3 | 3 |
| sub-total | | 4 | 6 | 10 |
| Total | | 24 | 28 | 52 |

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The specific information recorded in an occurrence book is often very detailed. It was explained to me on a number of occasions by police officers that there is a good incentive for this. Patrolling officers are worried that a given situation which they have responded to will flare up again resulting in serious injury or damage or that the situation may 'come back' on them in some way not foreseen. It will also be remembered, from chapter seven, that occurrence book reports are often the subject to scrutiny by supervising sergeants which is an incentive to accurate recording. This incentive is keenly felt by young officers, hence, when completed, the records can be quite meticulous. The following is an example taken from these records:¹

On Thursday 10th March 1988 at about 2:30 pm I was on patrol in Full Uniform accompanied with WPS 22, Hill in Blockhill Rd. N4 We were approached by a woman I now know to be Miss Madeline MacDonald of 69 Blockhill Rd. Miss MacDonald said: "I was in the house when Jonathan James Migillicutty and Warren Lyons, and David William White kicked in the door and entered the house there was an argument and Jonathan James Migillicutty punched me on the right side of my face, then left the house." On arrival at the house 69 Blockhill Rd. the door was open and the lock broken and lying on the floor beside some wood splinters. On entering the house with Miss MacDonald and a man with her whom I now know to be Mr. Terrence Scranton of 67 Blockhill Rd. N4 we saw two men whom I now know to be Mr. Gerry Dooley the occupant of this address and Mr. David William White of the Doncaster Hotel, Queens Drive N4. In my presence and hearing WPS 22, Hill said: "What has happened here Mr White? He replied: "I broke the lock on my door and I'll fix it." I then spoke to Miss Madeline MacDonald. WPS 22 said : "How did he hit you?" She said "He punched me" I examined her face and saw no apparent injuries medical aid was declined. I referred her to Highbury Corner Magistrates Court regarding possible summons procedure. Also present in the room was Madeline MacDonald's 11 month old daughter, she appeared capable of looking after the child. Approximately 3:00 pm Sister Jane Kone of 99, Cloudy Green Rd. Community Care arrived and spoke

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to Madeline MacDonald and they all left together to keep an appointment which Madeline MacDonald had with her social worker.

Note the narrative style adopted by the reporting officer and the careful attention to details involving times, places and identities. Details of the accusation are provided as is a description of the injuries sustained and action taken. This particular example is interesting for two reasons. First, the initial call for service is not, as one usually imagines, initiated over the phone. Rather, it is a classic field mobilization. In instances like this, supervising officers do not know of the initial call for service since it is not processed through the Computer Aided Dispatch (CAD) system. Usually such an encounter would be left unrecorded, however, since Social Services were involved there was some incentive to record the incident. Secondly, note the number of people involved, whether as witnesses, protagonists or both. The competing explanations makes for a complicated narrative and it is not even clear who made the assault. Indeed, this incident had the potential for complications which, it seems only because of the arrival of social service workers, were taken out of police hands.

In Defining Crime, McCabe and Sutcliffe remark on many domestics which do not obtain any substantive intervention because "the extent of the injury was not regarded as serious enough to justify police action." The standard advice in such instances is for the victim to "seek remedy" by contacting a solicitor or through the courts.² In the last chapter I made the point that the conceptual apparatus employed by police officers does not allow them to take cognizance of the history of violence that a relationship might have and instead focuses on the details of the particular incident. The following example, one of the sixteen 'domestics' involving

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cohabiting couples in April, is illustrative of both points. I have omitted the preamble which regards the time and place of the incident.

...we went inside and saw a man I now know to be Stamford Raffeles. Miss Monica Monterey said in Raffeles' presence "This man has cut the wires to the telephone and hit me. Last week he cut my head and this week he hit me and caused this black eye. I've had enough and want rid of him." I examined her injuries she claimed she had and found no signs of a cut on her head but there was a slight bruising to her left eye. Raffeles said in Monterey's presence and hearing "This woman has caused me nothing but trouble. I've been arrested 4 times because of her. I've been here six months and I'm leaving tomorrow. I've never laid a finger on her, she caused the bruise herself and she's drunk." Miss Monterey was advised that if she wanted any action taken it would have to be done at HCMC through a summons. Advice re- arguing between couple given.

In this instance both 'suspect and 'victim' give testimony about the long standing nature of the violence. However, since the level of injury was deemed by the attending officer to be slight, the officers' response was to advise the couple and, further, to tell the victim to seek redress in the courts if she so wished.

Of the twenty-eight cases in these files involving disputes between cohabiting couples in eighteen cases the official records contain mention of claims or evidence of physical abuse. In three of those instances the male suspect left the premises. No mention was made of where the suspect went in the two cases, in the third he conveyed to the local YMCA. In another four instances the female victim left the premises. In three of those cases the haven was with relatives, in the forth, space was found in a "women's hostel". In the remaining eleven cases no separation was achieved, rather the couple were 'advised'. The advice mentioned usually

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referred to various legal proceedings, the availability of marital counselling, the location of the citizen's advice bureau, or the phone number of Alcoholics Anonymous. Police officers also resorted to personal counseling themselves, often recorded as: "advice re: arguing between couple given" or "advice regarding future conduct given".³

Victims are not always passive and some appear to successfully use the police as a resource. Consider the following case:

...I was approached by a member of the public. As a result of what she said I attended Hawn House at no. 19 on the balcony I saw a female who I now know to be Miss Julie Julip. She appeared in a distressed state. Upon entry to no. 19 I saw on the sofa in the living room a Mr. Vincent Cunningham. Beside Mr. Cunningham sat a young boy Richard Anthony (D.O.B. 13/10/83) the son of Ms. Julip. Also in the house was Allan Cunningham (D.O.B. 3/4/86), son of Mr. Cunningham and Ms. Julip. In the presence and hearing of Ms. Julip Mr. Cunningham said: "Over the past few months Julie has been going out all night leaving the children unattended. I came home last night and the kids were on their own, they can fiddle with matches and the gas fire." In the presence and hearing of Mr. Cunningham Miss Julip said: "I never leave the kids alone, my Mum looks after them, or Martin Mulrooney does. Last night Vincent made an arrangement with Martin over the phone and Martin baby-sat. He lives at Crouch End go and ask him. I did not stay out last night but when I returned Vincent was at home and everything seemed okay. I took the children to the park, when I returned Vincent had been drinking. He was drunk. He was angry that I stayed out all night. He head butted me, hit me with his trouser belt, kicked me and punched me. He also pulled my hair and one of the punches he threw hit Richard on the head. I don't want to take criminal action. I'll get an injunction." Miss Julip had a cut on the left hand on the back at the base of the little finger and on the back of her right hand and forearm were a total of 5 raised red marks between 2 and four inches long. Medical aid declined. Miss Dowse then took the children with her to No. 10 Stunbury Rd. N17, her mother's address, advice to her remedies having been offered.

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It is, of course, a matter of conjecture as to what went on in this instance since we are limited to the account of the attending police officer. From that account it appears that the level of injury was substantial enough to warrant a classification of ABH. However, it seems that the victim did not wish to pursue an arrest at the time of the initial police intervention, preferring instead to take action through the civil courts. In fact, this particular case was recorded in the Beat Crime file several days later when it was recorded that the victim changed her mind and decided to press charges. Again, the logic of the linguistic-authority-structure is apparent; there can only be a 'crime' if there is a 'suspect' and for there to be a 'suspect' in an instance of interpersonal violence someone needs to inhabit the 'victim' box on a crime sheet.⁴

Violence behind closed doors can embrace any member of the family. The following is an example of what has been termed 'parental abuse'. In terms of police intervention the pattern is similar to those already discussed. As the preceding analysis has shown, in the absence of visible injuries, police prefer to refer protagonists to other agencies.

...upon arrival I spoke to a woman who I now know to be Mrs. Brenda Bland. I asked her what had happened and why she had called the police. She told me that her son had tried to strangle her but he had left the house when she told him police had been called. I asked her who lived in the flat. She said "Only myself and my son. He forced my daughter out because she was scared of him." I said "What did he do to you earlier?" She said "He grabbed me around the throat with both hands and shook me." I examined Mrs. Bland's throat for injuries, but found no signs and no apparent reddening of the skin. Mrs. Bland declined medical treatment. I said "Why did he do that then?" She said "I asked him to get me some cigarettes from the shop because I had run out. He swore at me and grabbed my throat." Mrs. Bland was referred as to her civil remedies in the matter, namely to seek advice from a Citizens Advice Bureau or Law Centre

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in Horn Rd. N7 When we left the scene her son Paul Bland had not returned.⁵

One of the most disturbing features of violence between intimates is that it does not necessarily come to an end when a couple ceases to cohabitate. Several examples of incidents concerning men pursuing estranged girl-friends or wives are contained in these files. In one particularly frightening example, it is recorded that, as the victim was leaving her premises in the morning to go to work, she was met by her ex-boyfriend who "ran around the corner" and pushed her back into her flat. He proceeded to "shout and scream" and "slap the victim around the face". When she fell to the floor he proceeded to "kick her in the back repeatedly" after which he "threw items of her clothing out of the window". This was the most recent event in a situation which had been going on for some time and the complainant was able to produce an abusive letter as evidence of this. She was advised to contact a solicitor for assistance and she was also told about injunctions and proceedings to obtain a summons for common assault.

Recall the concept of a strange loop which I introduced in the preceding chapter. It would seem that in this instance there was sufficient evidence to believe that a crime had been committed. Further, given enough support by police this may have resulted in a successful prosecution, after all it is apparent that the victim has suffered long term harassment. Instead, perhaps because the assailant had left prior to the arrival of the police, the attending officer referred the victim to take legal action herself. This is a matter of the attending officers discretion, but given the propensity of civil injunctions to create strange loops it is not altogether certain that his judgement was sound in this instance.

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Altercations between estranged couples need not always be a matter of physical danger. Many involve disputes over property or access to children, The following example shows something of the former type:

...there I saw a woman I now know to be Mary Fraser. She said "My boyfriend and I split up. We bought a car together, both of us got a loan to buy it. Today he stopped me in the street shouting hysterically. He told me he wanted the car for something. I said that I would buy him out in monthly payments for the car. He said that he needed the money right now and he took the car saying he would write it off." Miss Fraser was very upset. I ascertained that the car, a magenta Morris Mini, belonged to both parties. Miss Fraser was advised re: civil remedy and police involvement should the car become her property in the future.

Police officers are anxious to avoid being used as intermediaries for resolving petty disputes, however, the principles of preventative policing are also called for here.⁶ Writing off a vehicle for insurance purposes is potentially a matter of police interest. In this case the officer obviously determined that this was a 'civil matter' and advised the complainant accordingly.⁷ In all five cases contained in this sample involving disputes between recently separated couples over property or money, the attending officer declined to become involved and referred the complainant to a civil proceeding. These cases involve various infractions: an estranged husband secretly selling off family furniture and moving to France; a boyfriend, banned by an injunction, removing all of the electrical fixtures (including light fittings and switches) from his former girlfriend's flat to give examples. In these cases, the attending officer referred the complainant to a solicitor as it was a 'civil matter'.

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It is helpful to see these kinds of calls for service in the broader context of policing. Such disputes are, on the surface, not dissimilar to disputes between shop-keepers and their customers, which also involve police officers from time to time. Consider the following example:

...where I met a man I now know to be Donald Fitzroy. He said "I bought a car battery from him and when I took it home it wouldn't work and he won't give me my money back." We proceeded to a garage at 11 Flatbush Rd. where I met the owner Evan Thornton who stated that he was willing to exchange the battery for another but he would not give a cash refund. Mr. Fitzroy explained that his brother-in-law had promised him a battery over the phone that afternoon and that he wanted his money returned. Mr. Thornton explained that it was not his policy to give cash refunds. Both parties advised re: civil remedies and to contact a solicitor on the matter.

To a street level officer, mobilizations regarding altercations between separating or divorced couples over property appear quite similar to those between shop keepers and their customers. However, there are differences which are noteworthy. When the electrical fittings are methodically removed from a flat in the context of an acrimonious separation, the intent is not merely to deprive a person of her belongings it is to harass. However, police officers are not predisposed to making this kind of differentiation. In this sense, the discourse within which they operate leads to a kind of myopia. Police, operating within the confines of a particular linguistic-authority-structure, cannot make these subtle distinctions and can, quite rationally, justify non-action. The question arises as to whether it is possible, or even desirable, to cure this myopia. Further, if the police are not the agency to help women in instances of such subtle harassment what agency can be considered appropriate?

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Incidents between estranged couples also involve disputes over access to children. Such disputes also involve the police periodically, as in the following example:

...who I now know to be Miss Wanda Baker of 22 A Ferriman Rd. N7. I said what has happened. She said: "I am getting an injunction order out on him because of what has happened in the past. Today my solicitor phoned saying that the case comes up on Friday and that he had been informed. I said that he was supposed to be picking up the kids today. But the solicitor said that he must not have the children until after the court hearing. Later on he came around to my flat and followed me to school he pushed me up against the wall but he did not hurt me. He was very angry and kept shouting. He was calmed down by the school officials. He went downstairs and left." I said "Are you alright, he did not hurt you?" She said "No". I said "Is there an actual injunction at the moment stopping him from coming near you and the children?" She said "No, that's why we have to go to court on Friday and is why he is so upset." I then talked to the acting headmaster Mrs. Theosophista Sergies. She stated that "He was very angry and aggressive but after the man you just saw had a word with him he left. I don't know if he is still hanging around." I then escorted Miss Baker and her two children to 22 Ferriman Rd. where they went inside and there was no sight of Mr. Jack.

This particular instance should be seen as one of good practice. The attending officer escorted the woman and her children home thereby insuring a modicum of protection. In the example above, much emphasis is placed on obtaining a civil injunction. It has been argued elsewhere, and discussed in chapter four, that this avenue is not a straight and true path to a solution for the victim and that applications are problematic. Commentators on the workings of the court system have argued, in this regard, that the system for obtaining injunctions is weighted against the woman and is designed to be discouraging.⁸ Further, it is not uncommon to

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hear police officers say that injunctions without the power of arrest attached to them are "not worth the paper they are printed on." However, injunctions do, on occasion, allow for a qualitative change in police response as in the following instance:

...where I saw a man I now know to be Mr. Kevin Rambone. I said "What is your name?" He said "Kevin". I said "What are you doing here?" He said "I've just come to deliver a message to my wife." I said "Come with me and we shall go and speak with her." I knocked on the door of number 3303 and a woman I now know to be Mrs. Alice Rambone answered. I said "Have you called the police?" She said "Yes, this is my ex-husband. He has been knocking on the door for the last half an hour. I have an injunction." She then showed me the injunction. This says that Kevin Rambone must not molest or assault any of his three children [details of three children] . All three children were in bed and were unaware of what was happening. I said to Mrs. Rambone "Do you want Kevin to stop visiting you here." She said "Yes" I said to Kevin "I suggest you go home and if you have any problems regarding your rights you should contact your solicitor." Mr. Rambone then left the scene. I said to Mrs. Rambone "If you want to stop Kevin visiting you here you will have to re-apply to the court and get a different injunction." She said "Yes, I am going next week."

In this case the attending officer's discretion was employed to the benefit of the complainant. Where police officers are given a directive, such as an injunction, they seem to be able to intervene, even if the directive is, ambiguous. This is not to say that they do in every case, as we have seen in previous chapters women have been murdered by their spouses while injunctions and non-molestation orders have been in effect. However injunctions seem to create a category within which authoritative intervention can take place. The problem is one pointed out by researchers in the area, that such court orders are difficult to obtain.

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Indeed, it may be that the woman involved in this case had this particular injunction, not because of assaults against the children (although such assaults may have been an element) but because it is easier to get a court order when children are involved and much less likely when the complaint is limited to assaults against "the wife".

The third case in this file involving a breach of an injunction resulted in an arrest. This Occurrence Book entry did not cross reference with any Beat Crime or Major Crime file entry and there are few details in the IRB itself. The case did, however, show up in the custody records. The information available is cryptic, but it seems that the victim was hospitalized with severe injuries as a result of the breach and that the suspect was arrested at the hospital outside of her ward. It is not possible to make any judgement about this case because the available evidence is so scanty. It does serve to remind us, however, that obtaining an injunction is no guarantee of safety.

The Occurrence Book file also reveals another type of problem that the policing of domestic violence raises. In multi-cultural England it is not uncommon for 'family violence' to include the extended family and, further to present language difficulties for the attending officer. Consider the following example:

Notes made on Sat. 30/4/88 at 9:30 in front office in NV- Abdu Amhadi attended NV at 9:20 pm and said: "At about 7:50 pm. I was with my daughter taking her back to my wife's address at 123 Tufnell Rd. N7 and when I was outside the Tufnell Park Tube Station my brother in law Mr. Mustapha saw me. He was with my wife's sister's husband and some other relations. They all chased me and Mustapha pushed me to the floor and hit me on the mouth and kicked me." Medical aid declined. I noticed a slight swelling to lower lip. Advised re: civil remedies. Person concerned at the time of the report was

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giving complicating stories and seemed incapable to give clear details.

It would seem that the problem here is one of language difficulty. The reader may well imagine the difficulties of trying to explain complicated extended family ties in a foreign language (in this instance English) to a police officer asking prefabricated questions and expecting short prefabricated answers. In this case the problem becomes that of the complainant who is "incapable of giving clear details".

Extended family relations give rise to many complications. In another example the matriarch of a large household wanted to expel a 16 year old daughter who did not give her "enough respect". She called the police in order to achieve her ends and demanded that they "throw her out". The police declined to intervene in precisely this way and attempted to smooth the problem over by inquiring if, perhaps, one of the other daughters would put up their younger sister. None of the other daughters were willing to cross their mother and the attending officers attempts to negotiate the settlement failed. They did, however, calm the storm to their satisfaction and attempted to leave. They did not to get away so easily. The daughter in question was forcibly locked out of the house as the officers approached their vehicle. They had no choice but to convey her back to the police station where they attempted to involve social services who declined to "take her into care". She was eventually ensconced in the house of one of her sisters. From the point of view of the attending police officers, who are taught to allocate merit on the basis of the general linguistic-authority-structure of policing, this must have been a frustrating episode since it was so time consuming and, in the end, did not obtain a 'result'. I discussed this particular IRB with a police sergeant who

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remarked, to the extent that, the attending officers might have got a good story out of it but would never receive any official recognition of a job well done.

These two examples raise questions about the nature of 'domestic violence' calls into households which are neither British in custom nor in language. Such circumstances present special difficulties for police officers. Cultural differences were not considered when developing new Force policy with regards to 'domestic violence'. It is evident from these examples that careful reconsideration must be given to changes in police practice if they are not to have unintended consequences for ethnic minorities. If policing moves towards more frequent use of arrest in cases of domestic violence this may have consequences for the politics of policing unforeseen by policy makers.

Three levels of incident- The Beat Crime file

The Instructions which came out of the Chief Superintendent's office at this particular police station were quite specific about record keeping practices. The initial instructions contained in *memo 15/87* were less informative about what police were actually to do in instances of domestic violence. Officers were informed that arrangements were being made to establish an 'inter-agency response' within the Borough to deal with cases of domestic violence, but until the option of such a response was made possible, officers were to refer victims the local Victim Support Scheme.

Three months later, after the implications of the Force Order were digested by the local police bureaucracy, a second memo was circulated. Dated 22nd of September, *Instruction 19/87* gave additional steps which were to "be taken as the accepted practice in all cases of domestic violence

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arising on this Division." These steps included telling victims about a 24 hour help line organized by London Women's Aid and, in cases where "arrests are not effected" then "each adult victim of domestic violence will be discreetly informed that if she no longer wishes to remain on the premises alternative accommodation within refuges are available."

Officers were also informed that "although there is a fundamental assumption that the alleged victim will make her own decisions when the options are made available, in cases where there is a perceived threat to a woman (and possibly children) that makes immediate removal desirable, then Police will assist her to the station for arrangements to be made in a more secure environment."

The announcement concluded "where victims do choose to remain on the premises it may, however, be in their interest to receive follow up visits to ensure that they are not the subject of further violence or explain further the services available to them." This was to be the responsibility of Home Beat Officers and records of all follow up calls were to be kept.

Within institutions like the police, however, individual behaviour does not directly follow organizational dictates. Police officers 'on the ground' do not respond to instructions like these uniformly.⁹ Given that approximately 60% of the incoming messages recorded on the CAD system remained otherwise unrecorded after these instructions had been in force for a year, there is no reason to expect that the new policy was immediately put into action.

The instructions given out at this police station can be condensed into three concrete specifications. These are:

- a) 'victims are to be informed about
Women's Aid and phone
numbers are to be made

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available; this is to be done discreetly ie. not in the presence of the 'suspect'.

- b) if the safety of the victim or her children requires it arrests can be made or, separation can be achieved by escorting the victim from the premises.
- c) follow-up calls are to be made by the Home Beat Officer in cases where the 'victim' remain on the premises and such calls are deemed necessary.

In summarizing the contents of the Beat Crime file, in Table Three on the following page, it is readily apparent that the use of arrest is not the pre-eminent form of police intervention. Twenty-two out of the thirty-four relevant cases were no-crimed. In these instances the case was no crimed because the "victim is unwilling to substantiate the allegation" (VUSTA), another analytical category of operational policing. As explained in the previous chapter, no-criming is an accounting procedure which allows these calls for service to be filtered from the system. In such instances where no crime is recorded the role performed by the attending police officer is said to be 'social service'. This category of action includes referring victims to appropriate agencies and giving advice, whether of a personal nature or practical.

The Force Order, as it was interpreted locally, did not over-ride the assumption that victims in these situations would make their own decisions. Police are taught that their role is one involving co-operation with others in the creation and maintenance of a way of life in the community which strikes the optimum balance between the interests of citizens and the personal rights of all individuals.¹⁰ According to the logic employed if victims are unwilling to pursue the legal option themselves

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then the attending police officer can only offer advice and practical suggestions about other agencies which can offer other services to the victim.

Table Three
The Beat Crime File
March/April 1988

| Definition | Class. | Relationship | March | April | Total |
|----------------------|----------------------------------|----------------|-------|-------|-------|
| Domestic Violence | crimed | cohabiting | 3 | 1 | 4 |
| | crimed | non-cohabiting | -- | 2 | 2 |
| | arrest made charge dropped | cohabiting | 2 | 2 | 4 |
| | arrest made charge dropped | non-cohabiting | 1 | -- | 1 |
| | no-crimed VUSTA | cohabiting | 5 | 7 | 12 |
| | no-crimed VUSTA | non-cohabiting | 6 | 4 | 10 |
| | transferred | | 1 | -- | 1 |
| Sub-total | | | 18 | 16 | 34 |
| Other D.V. | Family Disputes | | 3 | 3 | 6 |
| | not classified | | 1 | 1 | 2 |
| Sub-total | | | 4 | 4 | 8 |
| Total | | | 22 | 20 | 42 |

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There is an important question that is not addressed when the problem is looked at in terms of the relative numbers of incidents classed as crime or no-crime. No-crime is an end result which allows a particular file to be put to rest. As we saw in the last chapter it is equally possible that a particular file could be put to rest by being crimed and classified as 'cleared-up' using the same reasoning that "victim does not wish to pursue charges". Policing activities in the 'copy cat' domestic violence unit also made it evident that changing the book-keeping entry does not necessitate a change in actual policing practice in these instances. What is at issue, from the perspective of the victim, is the nature and quality of policing intervention and not how that intervention is accounted for in policing statistics.

What is at issue from the point of analysis is the logic with which these categories are employed. Notions of 'victim', 'suspect', 'guilty', 'innocent', and the like, which play a central role in policing, lead to the question: "does the victim wish charges to be laid?" In practice police officers get a variety of answers to this question but it is rarely an unambiguous 'yes' or 'no'. Since no-criming is primarily a book-keeping entry, making an examination purely in terms of the accounting procedures steers the analysis away from questions about the actual nature of the service offered by police and the logic with which that is pursued. Such an approach also opens the way for the creation of a new book-keeping entry, such as 'clear-up' which does nothing to subvert the traditional logic of police practice.¹¹

One of the main questions that arises, given the nature of the Force Order and the nature of the political pressure being generated over the issue is about the use of arrest. In the beat crime file being examined here

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there are a total of 34 cases conform to the operational definition of 'domestic violence' and out of those thirty-four cases, eleven resulted in arrest. The instructions given to police officers at Holloway included using arrest "if the safety of the victim or her children requires it." Arrest is also an option when the victim is "willing to substantiate the allegation" or, perhaps, *demand*s that the police arrest the suspect and indicates her desire to proceed to court with the charge. These are two different criteria for arrest, one 'reactive' and at the behest of the victim, the other 'pro-active' in order to protect the victim.

Police officers were not necessarily inclined to see such a distinction. One sergeant summed up the force order saying, cynically, that officers attending domestic violence calls were expected to use verbal violence in order to get the victim to press charges. This particular sergeant was inclined to see the Force Order as "politics", but, he also said: "policy or no, if the victim wants to pursue charges we certainly will." The official interpretation of the 'arrest for protection instruction' at this police station was laid out so that the injuries had to be very severe such that a charge of grievous bodily harm (GBH) could be laid. This yardstick routinizes such decisions, but it also means that instances of GBH might be 'down-graded' in order that a pro-active arrest need not be carried out.

I came across one incident which seemed to be a *prima facie* case of GBH. The case involved a woman who, according to the report, "had been badly beaten, with extensive bruising to the face and arms, her upper lip was cut open and her nose broken." I asked several police officers about this classification. One, a very young constable, told me that it was "leaning towards GBH." I asked him was it classed under the lesser charge and without hesitation he pointed to the form and said "because the

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victim is unwilling to pursue the allegation." I also asked the desk sergeant, who was unwilling to entertain the idea that the case had been mis-classified to begin with. Much later a Chief Inspector told me that in such an instance had the victim been willing to pursue the charge the police might well have classed the incident as GBH, however, given that it was going to go on the books with no 'body' attached to it there was no sense in making the statistics for GBH look bad by classifying the incident in that category. This is example of the logic of the categories being applied by practitioners in ways not easily foreseen.

There was only one case in this file which could be said to have been pursued in order to protect the victim. This case is unusual in that it involved a firearm. The victim herself had sustained what the police referred to as "only minor injuries", that is: "two bruises to the face and bruising behind her left ear". But when she reported the incident to the police she also informed them that her ex-boyfriend was also in possession of a hand-gun. The suspect was later apprehended and a hand-gun for firing 'blanks' along with forty seven blank cartridges was found on his premises. The suspect was charged with Actual Bodily Harm.

The literature on the policing of domestic violence suggests that the police attending such calls for assistance talk victims out of laying charges.¹² While culling the files for examples of domestic violence I also kept a running check of interpersonal violence between strangers, pursuing the reasoning that similar arrest rates for both categories would refute this. I was also aware that some criminologists made the contention that police officers arrest infrequently in all cases of interpersonal violence, whether between man and wife or friends in the pub.¹³

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Serendipity played its role as I made this running count; the word 'apparently' was missing. This might seem an obscure observation so let me explain. In cases of domestic violence accounts of the situation frequently begin with the word 'apparently'. Additionally, the details presented were frequently prefaced with phrases such as "victim claims", "it seems that" and "victim alleges". In contrast incidents that did not involve persons with a 'romantic' attachment contained these phrases noticeably less often. It should be mentioned that in neither instance were the police likely to invoke an arrest response.

I tallied up the number of crime reports of 'stranger violence' over a one month period. Stranger violence is understood as distinct from all forms of domestic violence so that there is no intimate or family relationship between the protagonists. Incidents of stranger violence contained in this file were wide ranging including: a child shooting at another child with an air rifle; a vagrant attacking a shop keeper; a number of incidents which appear to be simply random acts of violence, although some could have been racially motivated (the forms do not explicitly ask such a question) and an incident stipulated as involving sexual harassment in a McDonalds. There were fewer of these types of incidents than of 'domestic violence', only thirteen incidents over a one month period (roughly 40% fewer incidents). Out of these thirteen incidents only four were written up as 'victim's claims', 'apparently' or 'victim alleges' a ratio of approximately 1:3. In cases of domestic violence the ratio was very near to 3:1.

One explanation for this subtle difference was offered to me by a Chief Inspector. He explained that police officers were accustomed to see domestic violence as a civil matter and that, in such cases, their role was

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somewhat circumscribed. According to him, until a particular charge is validated in a court of law it is an 'alleged' offence. I inquired as to why he thought the instance of 'sexual harassment' in the McDonald's restaurant was not prefaced by the phrase 'victim claims'? His explanation was that police utilize such terms when the victim is the only witness. However, in some of the instances of stranger violence the victim was the only available witness and still there was less likelihood of it being recorded as 'victim alleges'. The explanation offered by the Chief Inspector was that, in such instances the likely result was no-crime, not because of any reluctance on the part of the witness to prosecute, but simply because "the perpetrator got away".

The frequent use of phrases such as "victim claims" and the like might be seen to be congruent with those of Tony Faragher, among others, that police, by their mode of questioning, actively discourage women victims from pursuing allegations.¹⁴ Police officers resent being used as intermediaries in petty disputes and frequently testify to the belief that victims do not really wish to press charges.¹⁵ Survey results indicate that, from the victim's point of view, women view the police as uninterested and unsympathetic, particularly when the violence is within the household.¹⁶

If police officers appear sceptical or unsympathetic this will no doubt have an effect on the resolve of victims to pursue any allegations. This is something that could potentially be overcome by the operation of domestic violence units, if the individual officers in those units have the motivation. Attitudes of scepticism on the part of police officers are evident in these records and arrest was an unlikely option. Although arrests were made in eleven 'domestic violence' cases out of the thirty four; in five cases the

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charges were dropped, in two instances even before the suspect was shown into the charge room. In the cases where the charge was dropped the reason given was uniformly 'victim does not wish to substantiate the allegation'.

Further, in two cases where arrests were made and charges brought there were other outstanding charges against the suspect. In one instance the outstanding charge was for "failing to surrender to custody" and in the other it was for several burglary offences. In both instances the offence of ABH was added to the pre-existing charges. The likelihood of the police obtaining a conviction and the suspect being incarcerated seems to be quite high in these particular instances. These two cases can be viewed as inflating the arrests statistics for domestic violence since, the probability is that, these incidents would have been no-crimes were it not for the existence of other outstanding charges.

In one instance where an arrest was made and the charges later dropped the officer 'cautioned' the suspect. In this instance the suspect had thrown the victim through a window and then left the premises with money belonging to her. The police arrived and were informed that there was no wish to pursue charges but, since the victim intended to contact a solicitor in order to obtain an injunction, she wanted the matter recorded officially. The suspect was actually arrested and cautioned. The use of arrest in this case could be interpreted as police initiated to insure that the blameworthy are punished. However, the file makes it apparent that the complainant knew how to direct police intervention in accordance with her wishes. Although the use of arrest and caution appear to be the initiative of the officer, the victim's familiarity with police procedures facilitated this intervention.

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ABH has a standard definition which includes the infliction of pain, minor bruising and lacerations, a definition which is applied somewhat loosely. In order for such a charge to be brought all that is required is proof of injury and the logic of classification used in these files tended to be predicated on this. The analysis should also take some notice of the nature of the attack, because concentration on formal definitions leaves out many details which the files themselves contain. Many objects were thrown at these women, including a vacuum cleaner, a four foot long stereo cabinet unit and bricks. In several instances women were struck with kitchen implements and in a number of cases women were threatened with knives. The fact that some of these cases were not classified as more serious offences is almost an accident of fate.¹⁷ Any one of these weapons could have caused much more serious injuries.

To look at one case, observed and reported to the police by a third party, in more detail; it was reported to the police that a woman and a man were fighting in the street. The report, made by a neighbour who knew both parties, stated that the argument climaxed when the young man began throwing bricks at his girlfriend. The victim took refuge in her home whereupon the assailant continued to throw bricks, breaking panes of glass and damaging the wood work of the front door, before driving off. The victim of the attack declined to give a statement.

In this instance there was relatively little damage but, considering the weapons used, the situation could have been much more serious. Much the same can be said when the weapon used is a stereo cabinet. In that particular instance only "minor injuries" were caused to the head and legs. The victim declined to have her husband arrested but requested that he be

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escorted from the premises because he was drunk. The attending officers asked him to leave, which he did, and the matter was no-crimed.

When cases were no-crimed police action could take a variety of forms. In two of the cases in this file victims were conveyed to the hospital which effectively separated the protagonists. In another case the suspect had left the premises before the police arrived so the police simply took a statement. In two cases victims requested that the suspects be compelled to leave which the police obliged. In eight cases the victim and suspect were left together on the premises, although in two of those cases the victim had taken large doses of "medication" (in one case valium and in the other demerol) and were rendered effectively unconscious after the police left.

Police had to re-attend venues in two instances. One case is anomalous because the victim was male. The police had originally attended the venue but the "argument" they encountered seemed settled so they had left. They had to re-attend the venue when the wife attacked her husband with a bottle. On this occasion they arrested the so-called victim for being drunk, suggesting that, even though he was injured in the fracas, he was the main protagonist.¹⁸ In the other case where the venue was re-attended, the second police intervention followed an attack in which the female victim was hit in the face causing a cut lip. The victim did not wish to press charges and an arrest was not made.

Police utilized the 'arrest option' in eight of the twenty cases between co-habiting couples. In four of those cases the charges were eventually dropped, but it must be said that the police intervention at the time successfully prevented any further conflict, at least for the period of incarceration.

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The use of follow-up calls was considered to be integral to the police response to domestic violence and the local force instruction made special note of the role of the Home Beat Officer in such instances. The Home Beat Officer frequently had to make further calls on the victim, especially when no formal statement was obtained by the attending police officers responding to the initial call. No cases were encountered in this sample where it was recorded that a follow-up call was made in order to 'check on the safety of a victim'. Information pertaining to follow-up calls contained in these files is illuminating.

In some instances several follow-up calls were made (in one case there were four attempts to re-contact the victim and in many others multiple calls were made) often with the final outcome being a statement of withdrawal. This is not a rare occurrence, nor is it rare that the Home Beat Officer had to go to considerable trouble to contact the victim. Efforts were made by phone, by post and in person by the officer, often with no success. In cases where the victim could not be contacted the incident was no-crimed the reason given being "no further investigation possible."

One particular incident illustrates this pattern. Officers attended a venue and found the victim to have a cut lip from at least one blow to the face. On questioning, the victim's story appeared confused. The record stated that: "apparently, reason unknown, suspect is alleged to have pushed victim from behind. As she was pushed she turned around and was struck in the face by means unknown causing injury." The officer initially completing the paperwork recorded that "it is believed that the victim would drop the matter later" and no statement was taken at that time. This initial statement was taken by an officer on patrol in an automobile.

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The officer attending the initial call for service did not gather all of the information necessary to complete the Crime Report. On the following day the Home Beat Officer attended the venue in order to get this information, but, according to the report, there was "no reply to repeated knocking". The officer left a note for the victim asking her to contact him as soon as possible to which there was no reply. Three days later a further note was posted to the address requesting that the victim contact the station. Again, there was no reply and three days later, one full week after the original call for assistance, the matter was no-crimed, in spite of the fact that the initial crime report did not contain full details of the incident. If the victims unwillingness to come forth was not related to the violence experienced at the hands of her boyfriend perhaps it was related to the hurried nature of the initial response. In either case, the Home Beat Officer was powerless to accomplish anything, encountering, as he did, locked doors and unanswered correspondence.

This does not appear to be an isolated instance. Another case in the Beat Crime file also exhibits similar characteristics. The initial call included only sparse details but it appears from the record that the suspect had initially gained entry to the victim's premises by offering £50 "for the children". After he gained entry an argument ensued wherein the victim was struck on the hand with a saucepan. A partial statement was obtained and no further action was taken at the time although the record stated that, according to the victim, an injunction was held at the local Police Station. The police action in this instance amounted to telling the victim to "attend the Police Station" personally in the morning and, further, she "was advised re: letting her husband (ex) in."

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The venue received two follow-up calls from the Home Beat Officer, on both occasions the officer left a note to contact him at the Police Station. The victim did not respond to these attempts at follow-up calls and eventually the file was no-crimed and closed. Were this scenario to be enacted where a domestic violence unit was in operation to conduct the follow-up calls the most visible difference would be that the case would probably be classed as cleared-up. Without a response from the victim to the attempts at re-contact there is little else to do. However, there does appear to be room for improvement in the initial police response. In particular, in this case the victim mentioned an injunction. However, the attending officer made no effort to act on this information and, presumably because the alleged assailant had left the venue leaving little likelihood of further problems that evening, had taken the most efficient way to finish the call for service; advice and referral.

These examples illustrate that the initial call for service is aimed primarily at the restoration of order and there is little in the way of investigation and inquiry at the scene. Officers patrolling in vehicles perceive fast response times to be a central criteria on which they are judged and the facts of the case are often left for a Home Beat officer to gather. The primary problem, from a police point of view, is the apparent reluctance of many victims to re-establish contact with the police after the initial call for service. This results in wasted police time conducting unsuccessful follow-up calls. It also means that the situation which generated a call for intervention has not been fully investigated, which may mean further calls for assistance, perhaps with tragic consequences.

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'Family Violence' and 'Other' Domestic Calls

There are eight cases in the beat crime file that do not conform to the operational definition of 'domestic violence'. Two of these cases were altogether unclassifiable, although there is a tenuous relationship to the issue.¹⁹ The remaining six could be termed 'Family Violence', by which is understood incidents between family members which involve the police. These cases illuminate policing practices in dealing with interpersonal violence more generally.

The six 'family violence' cases are interesting in a number of ways. To begin with in all six cases the suspects are male.²⁰ The incidents include: 1) a brother 'disciplining' his sister for being out too late, 2) three cases of sons attacking their parents, 3) a 'step common-law father' beating his 13 year old step-daughter and 4) another case involving inter-generational conflict and custody of a child. Arrests were made in three of these cases and two were no-crimes. The last case, which involved the 13 year old girl, was transferred and I was unable to trace it. The two cases no-crimes were, as usual, put down because the victim did not wish to substantiate the allegation. One of these was a case of parental abuse which was no-crime after several follow-up calls which eventually gained an official statement of withdrawal. The other case involved an eighteen year old girl who was slapped by her brother for "being out too late". The injuries listed were "headache from being slapped". Before this case was no-crime it was down-graded from ABH to common assault. The victim was advised of her civil remedies and the file was closed.

In the cases of family violence there was a much greater tendency, at least when it is expressed as a percentage of the cases classed in this

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category, to use the arrest option. This does not seem to correspond to a higher level of violence, a greater prevalence of injuries, or usage of weapons. Nor does it seem that the arrest option was being used more because its use was requested. For example, in one case of parental abuse, the grounds for detention was recorded as the "likelihood of committing a further offence". In another case, the details were forwarded to the Crown Prosecution Service (CPS) with a request for advice on how to proceed which eventually led to an arrest being made.

The information presented in the third case file is more detailed and a brief narrative can be constructed. In this case of parental abuse the suspect was detained initially, but was released. On his release the suspect returned to his home and proceeded to beat his parents again, apparently in punishment for calling the police in the first instance. The police re-attended the venue. Both parents were adamant that they wished to have their son prosecuted and statements were taken to that effect. The suspect was arrested later that day by relief officers and held in custody to appear in Court. Attached to the report was a letter from the victims which stated that their son was "vicious" and thanked the police for their help. It concluded "since he had been bound not to come near the house or enter into the house we have had a peaceful life."

In two cases of parental abuse there was indication in the files about the suspects 'mental problems' and their propensity to violence. The use of this category in these instances raises some interesting questions, however, without a larger number of cases for analysis speculation is dangerous. It is, however, worth noting that the relative ease with which an arrest response was achieved when this category could be marshaled.

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Three levels of 'incident'- The Major Crime File

McCabe and Sutcliffe have noted evidence of "confusion and sometimes irritation when uniformed police officers were asked to perform tasks which did not fall within the two categories of police business which they understood: the prevention and detection of crime and the maintenance of the Queen's Peace".²¹ One would think that this would not be problematic for police officers attending cases of 'domestic violence' that end up recorded in the Major Crime file. Cases of interpersonal violence in this file may involve grievous bodily harm, rape and murder. Violence involving, as it does, broken limbs, deep lacerations and threat to life would be expected to warrant an unambiguous law enforcement approach. However, in contradiction to expectations, Table Four, on the next page, reveals that there is still a relatively high instance of no-criming (as a percentage of the whole) even where the level of injury is severe.

Two other interesting facts are immediately visible from this table. Firstly, incidents between non-cohabiting couples are far more predominant than cases involving co-habiting couples. Secondly, the non-operational category of 'domestic violence' contains the same number of incidents as the operational category. This sample indicates that, the focus of policing domestic violence at this high level, has shifted away from women in marriage like situations. Women are still the primary victims and men the primary suspects in these crimes, but the relationship between victim and suspect covers a broader range of definitions.

Contrasting the figures contained in the Beat Crime and Major Crime files poses a difficult question. The Major Crime file contains far fewer

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incidents conforming to the operational definition of 'domestic violence' than does the Beat Crime file. Over the two month sample period only eight incidents conforming to the operational definition were filed as Major Crimes, contrasting with the Beat Crime file which contains thirty four such incidents. However, both files contain eight incidents which are 'domestic' in nature but outside the scope of the operational definition. Further, incidents of 'stranger violence' between the two files are almost the same. Thus, over a one month period thirteen incidents of violence between non-intimate persons were recorded in the Beat Crime File and fourteen incidents in the Major crime file. The question is: why does the number of

Table Four
The Major Crime File
March/April 1988

| Definition | Class | Relationship | March | April | Total |
|----------------------|--------------------|-------------------|-------|-------|-------|
| Domestic Violence | crimed | cohabiting couple | -- | -- | -- |
| | crimed | non-cohabiting | 2 | 2 | 4 |
| | no crimed VUSTA | cohabiting couple | -- | 1 | 1 |
| | no crimed VUSTA | non-cohabiting | 1 | 1 | 2 |
| | transferred | non-cohabiting | 1 | -- | 1 |
| Sub-total | | | 4 | 4 | 8 |
| Other Family | Family Dispute | | 1 | 1 | 2 |
| | Other | | 3 | 3 | 6 |
| Total | | | 8 | 8 | 16 |

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recorded violent incidents between 'romantic intimates' drop off so dramatically as the level of intensity rises? No simple answers to this question can be offered here, but, it might not be inappropriate to suggest that instances of domestic violence providing *prima facie* evidence for GBH but where the victim was unwilling to substantiate the allegation were more likely to be down-crimed into the ABH category. In contrast incidents classed in the 'Other Family Violence' category could not be down-crimed, particularly those which comprise charges of incest and child abuse. This is somewhat speculative, however, and the answer as to why 'stranger violence' does not exhibit this tendency to deflation is less clear.

Table Five, on the following page, shows the eight incidents in this file which conform to the operational definition of domestic violence. It is evident from this table that victim's statements were important to the classification of the allegation. In all three instances where the incident was no-crimed the victim had "failed to substantiate the allegation" (NB, the case which was transferred was also marked VUSTA). For example, in case number eight the victim, from her hospital bed, expressly denied to pursue the allegation stating she "still loves him and does not wish to make a statement or give evidence against him", and further that "in the past she has taken out injunctions against him which have successfully prevented any other assaults and that is the way she intends to deal with this matter." Love can be an important, if confusing, motivator for victims of this type of crime.²²

In case number one the charge was pursued primarily because the suspect was wanted on another charge. The offence of Criminal Damage was included as an addendum, facilitating the 'clear-up' of two crimes at

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once; one body two crimes accounted for.²³ Cases two and six were examples of the straightforward procedures we would expect with such serious types of

Table Five

| | ALLEGATION | OUTCOME | COMMENTS |
|---|-----------------|--|--|
| 1 | Criminal Damage | Charged with criminal damage and failing to appear | suspect also wanted for 'failing to appear' at HCMC on other charges detained and charged with both |
| 2 | Criminal Damage | Criminal Damage and attempted GBH | victim 7 months pregnant. Suspect gained entry by smashing front door window and then assaulted victim |
| 3 | Rape | no-crime | victim originally claimed boy-friend threatened her with violence in order to have sex. Later stated that she had made the allegation out of spite |
| 4 | GBH | transferred | suspect, ex-boy-friend, gained entry to victim's flat. Did damage to property and assaulted victim. Victim unwilling to substantiate the allegation |
| 5 | GBH | charged GBH | victim beaten badly by boyfriend. Suspect admitted offence. Statement taken from victim |
| 6 | Attempted Rape | charged Rape | 'boyfriend' attempts to rape victim Evidence taken: victim's clothes and fingernail clipping from suspect |
| 7 | Rape | no-crime | Allegation withdrawn. Victim changed claim while being interviewed. Stated that she wished to have help in obtaining an injunction against her ex-boyfriend. Declined to attend courts or to prosecute |
| 8 | GBH | no-crime | Victim stated she would apply for an injunction against her husband |

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crime. The victims provided statements willingly and, in the case of the rape, cooperated with the gathering the forensic evidence. However, not all cases proceeded unproblematically. Case number four is illustrative. In this instance the injuries received included what was described as a "two inch gash to the left cheek below the eye" as well as "extensive scratches and bruising to the hands, arms and face". According to the file the victim was "unwilling to substantiate the allegation", and the case was transferred. It is difficult to know what, precisely, was happening in this particular instance but, it is usually the case that police officers want to establish a record of arrests, making them unwilling to give over cases to other officers if they are going to be able to record a 'positive result'. Given that the file for case number four was clearly marked VUSTA, however, it seems that they were not giving up a case that could be interpreted as results.

While one example of procedures with relation to allegations of rape contained in this file was unproblematic two others were not. In one of these instances (number three) the victim was taken to the divisional surgeon in order to gather forensic evidence, at which point she "became reluctant to pursue the matter". She later contacted the police station by phone and withdrew the charge saying that she initially "made it out of spite". In case number seven the file records that "the victim claimed to be having problems with her boyfriend because the relationship is ending". This file is ambiguous as to whether or not the victim ever denied her allegation of forced sexual intercourse, however, she declined to be examined by the divisional surgeon, stating that she "preferred to be examined by her own physician". The victim also declined to pursue the matter in court. This case was the only one in this file where police

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actively pursued a 'social service' role. The victim was told to contact Women's Aid and the Victim Support Scheme was also informed of her situation. The point can be made here that police procedures for inquiry in these instances are limited to details of the incident and obscure many details of the case. The procedures are aimed at gathering evidence of a crime the definition of which is strictly delimited to forced penetration. This means that, not only do the files not contain enough information for us to know really what happened but, further, that police procedures and the nature of the inquiry they pursue may not be commensurate with the needs of the victim. In this respect it is heartening to see that, in the instance where there was clear evidence of a sexual assault and where the victim declined to pursue the allegation, she was referred to other, perhaps more relevant, support agencies.

These files reveal that this is not always the case. Another example of rape contained in this file, but which was not counted within the operational definition of domestic violence because the relationship of 'suspect' to 'victim' was not clearly stated, also illustrates the problematic nature of policing in cases where there is an allegation of rape. According to the details in the file the victim, who lived in a student hall of residence, initially told her room-mate about the rape. The incident then came to police attention. The physician who did the initial examination reported that she was in a state of shock and the attending police officers were unable to get a statement from her. It is noted in the file that the victim was "uncooperative" and further that "she has had a lot of mental problems brought about by this incident and previous sexual assaults by the same suspect over the last two years." The investigation of this crime took place over eight days. It involved the attention of at least three

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police officers and three physicians including a qualified 'sexual offences police doctor'. The victim had, however, changed her clothes and bathed between the the time of the incident and the examinations and would only give limited co-operation. The findings of the physical examination were inconclusive and the incident was eventually no-crimed. Tragically, the victim was, apparently, not put in touch with any form of counselling service.

Examples of advice and referral in the Major Crime file are, in fact, rare. In these instances, where the criminal nature of the cases is not in doubt, police on the front line seem to forget the positive role that referral to other agencies can play. For example in cases two and five in Table Five, both of which ended in the arrest of the suspect, the victims were left with considerable damage to property in their homes as well as serious injuries. It appears from the files that no advice was forthcoming about insurance claims or possible restitution from the Criminal Injuries Compensation Scheme.²⁴ It seems that when advice and referral do not function as a way of filtering out cases they are easily forgotten.

While looking at the cases of 'domestic violence' in the Major Crime file I decided to gather information of cases of interpersonal violence between non-intimates; essentially violence between persons who are not living in the same household and who do not have any kind of intimate relationship. In the month of March the police dealt with fourteen such cases, shown in the Table Six.²⁵

As can be seen on the following page in Table Six, no-criming is not an infrequent an outcome for incidents of non-domestic interpersonal violence. Six of the fourteen cases in this table are no-crimed, the reason

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Incidents of Interpersonal Violence Between Strangers

Holloway March 1988

Table Six

| no. | Allegation | Outcome | Comments | ~ |
|-----|-------------------------|------------------|---|---|
| 1 | GBH | no crime | Victim stabbed in the face with a broken bottle--failed to substantiate (VUSTA) | |
| 2 | GBH | no-crime | Victim punched in the face over £ 5.00 debt- VUSTA | |
| 3 | assault/rape | no-crime | Took place in student residence. Brought to police attention by attending physician -VUSTA | |
| 4 | GBH | no-crime | Stabbing--victim failed to substantiate | |
| 5 | GBH | ABH | apparent random act of violence, victim identified suspects when apprehended --Charged | |
| 6 | GBH | GBH | Victim unable to supply details, attacked from behind.--no one charged | |
| 7 | assault | transferred | Random act of violence | |
| 8 | assault | indecent assault | Common Woman 'man-handled' by drunken I.C.1 male 11:40 pm.-suspect not apprehended | |
| 9 | assault | assault | 4 year old girl assaulted in public park by stranger. No witnesses. Not pursued | |
| 10 | serious assault | Murder | minicab driver stabbed in fare dispute--suspect apprehended and charged | |
| 11 | GBH | no-crime | incident between friends/acquaintances. Victim received 5" cut to face. VUSTA | |
| 12 | GBH | no-crime | fight between two I.C. 1 males over 'girl' VUSTA | |
| 13 | GBH | GBH | IC 1. Male mid-20s attacked by group of IC 3 males. No witnesses. Matter not pursued. | |
| 14 | ABH/ criminal damage | GBH | Argument in DHSS office. Matter still under investigation, statement taken allegation pursued, Victim was office worker | |

being a failure to substantiate the original allegation by the victims of these crimes. In addition a number of other cases (examples six, eight, nine and thirteen) are laid to rest without an arrest. In these cases suspects could not be apprehended and no other witnesses to the crime could be found to further inquire so the files were closed. Unfortunately for the analysis, case number seven was transferred so it is impossible to follow it up. In two cases suspects were apprehended and charged, and

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finally in example fourteen the case was left open and the allegation was still being pursued when the field work had concluded.

The arrest rate for stranger violence is fairly low. The no-criming rate is almost 50% and many others were not pursued. Only two cases out of fourteen during the month of March resulted in arrests while one other remained open to question. What this table indicates is that law-enforcement, at least in cases of interpersonal violence, is most often devoted to devising ways of closing files when there is no possibility of charging a suspect.

'Family Violence' and 'Other' Domestic Calls

There were eight cases extracted from the Major Crime File which did not directly conform to the operational definition of domestic violence but fall within the ambit of a larger conception. In this file the larger definition includes new types of crime (incest, child sexual abuse), and also cases involving a high level of violence between persons not bound by a marital-type relationship. Of the eight cases in this section three were cases of incest/child sexual abuse, one was a case of rape which could not be properly classified under the operational definition, three cases of 'family violence', and one case involved violence between flatmates.

The cases of incest/sexual abuse were all cleared up without criminal proceedings. Two of them were no-crimes and the other was classified as cleared-up. All three cases exhibit extensive communication between the police and social-services and were very time consuming investigations. In one of these cases the suspect was an eleven year old boy accused of inciting his step-sister into having sexual intercourse with him. This case

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had come to the attention of Social Services who had been informed by the mother. The boy was placed in voluntary care in a Children's Home and all of the children in the family were placed on the At Risk Register. In the second of these cases, also brought to the attention of police by Social Services, a father was accused of sexual abuse of a child. However, medical examination could not conclusively give "any positive evidence of sexual abuse" although there was "some evidence of interference in the genital area." The case was no-crimed for this reason. This means that it is a dead file as far as the police are concerned, however, all of this is contained on record should new evidence come to the attention of Social Services.

The third file is very extensive and reflects the complicated nature of this type of police investigation. It involves an accusation of incest by a teenage girl against her father which came to police attention through Social Services. The informant had made similar accusations previously which had not been substantiated. In this instance, she had told the social worker at the Children's Home she was staying in, that she did not wish to return home because her father had had a sex with her. She further claimed that her younger sister had been raped by her father.

The police officer attending the case was well aware of the informant's history and recorded in the file that he had reminded the case social worker that the informant had, on a previous occasion, claimed that she had been made pregnant by her father. According to the file, on this previous occasion she had refused any medical examination but, during the intervening period, it had become apparent that she was not, in fact, pregnant.

A medical examination was performed on the informant's sibling in order to determine if the accusation of rape was true. The examining

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physician confirmed that the girl's hymen was intact and that "no bruising or other injury was present in the vaginal area." The medical evidence was, according to the file, "entirely contrary to the allegation". Prior to taking action in relation to the allegation the officer assigned to the case attempted to interview the young informant but all he could obtain from her was a barrage of abusive language.

The incident was no-crimed due to "the past history of the informant and the medical evidence." The attending officer also recommended to the social worker involved that a Place of Safety Order not be made for the younger girl. In the file he records that his concern was that, should one be taken out, the girl would come under the influence of her elder sister and he did not consider this to be a desirable outcome.

All three cases involving charges of incest exhibit text-book thoroughness and co-operation between the Police and Social Services reflective of the official policy of these agencies to take these problems seriously. Social Services were compelled to involve the police in these instances, but it is not certain that the police contribution is a positive one. Indeed the victim in the case just discussed, indicated that she felt the police investigation to be a form of victimization itself and she did so in no uncertain terms.

In contrast to the cases involving possible sexual abuse of children the one dispute between "flat-mates" exhibits the, by now, recognizably typical police intervention in 'domestic cases'. The incident is between a female 'suspect' and a male 'victim'. The report states that:

Apparently on the morning of the report as the result of a long standing dispute between these parties suspect approached victim with a large curved blade making threats. Victim decided to leave the venue. Suspect hurled a piece of pottery

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of indeterminate description at the suspect out the window. The piece of pottery struck the victim causing injury [deep cut to first toe in from Big Toe, also believed broken].

This injury has apparently been inflicted upon the victim as the climax to a long standing dispute between the two parties. The subject of the dispute is, apparently, the victim's brother and the suspect's involvement with him. It may well be of note that the premises concerned in this report are a squat and the premises have been the venue for most of the dispute.

The incident was later no-crimed for the reason that the victim "was unwilling to attend court and give evidence." The police disposition in this case was no different from what would be expected in a similar case between co-habiting intimates.

Police dispositions in cases classed as Other Family Violence are no less typical but the incidents themselves are none-the-less interesting. In all three cases victims 'failed to substantiate the allegation'. However, this led to only two of the cases being no-crimed. The third case was recorded as an incidence of grievous bodily harm and put down as "record crime only", a novel classification, but with the same practical outcome.

This variation of book-keeping entry is interesting. In this instance the victim was the nephew of the suspect but he refused to give the police any particulars. The file is devoid of any concrete information. In fact, having mentioned this to police officers, it was pointed out to me that it may be the lack of information that prompted the attending officer to "record it as a crime only" rather than no-criming it. Thus, if the case has to be re-opened as a result of further instances of violence the attending officer could not be accused of neglect.

The second of these incidents involved a dispute between a father and son over domestic finances. The son in this case was thirty-seven years

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old and his father sixty-eight. In this instance the son had made specific threats to kill the father and mother, although, there were no injuries. The attending police officer spoke with both parties. Advice was given regarding civil remedies (told to contact the Citizens Advice Bureau and/or a solicitor). The file states that "both parties satisfied with action taken; both parties advised re: reoccurrence. No further action necessary." The case was no-crimed.

The record of the last of these 'family incidents' is complicated by the fact that three peoples statements were incorporated in the file incorporating conflicting views of what happened. The incident to which the police were called was a dispute between two brother-in-laws which was apparently sparked off after one of them physically abused his wife, the sister of the other, causing a cut to her head. The fight between the two men took the form of a running battle which continued over a period of about twenty minutes. When the police arrived the two men were engaged in armed combat; one of the combatants was armed with two cutlasses, the other with a "martial arts type weapon incorporating a blade". The victim, as per usual, was the one with the most injuries and, perhaps appropriately, was the one who had initially abused his wife. His injuries amounted to "three cuts to the left arm causing serious muscle damage (40 stitches to left arm) and cut to right hand requiring six stitches." The victim declined to pursue the matter in court and the incident was 'no-crimed'.

Summary and Conclusion

In this chapter we have seen the application of the general linguistic-authority-structure pertaining to the policing of interpersonal violence to

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110 incidents of 'domestic violence'. In addition we have also seen this discourse applied to various other kinds of calls for service, from minor disagreements between shop-keepers and their customers, to cases of serious violence between strangers. This should have clarified the more abstract discussion in the previous chapter. In addition I hope that the reader will have gained some insight into the complicated nature of domestic violence. The 'reality' that is summarized by this abstract analytical category is by no means clear cut and straightforward.

But this is not an abstract philosophical exercise. Some concrete and important observations were made which have implications for police practice in this area. The more general of these is that the police brief, as it is circumscribed by the linguistic-authority-structure of the policing of interpersonal violence, is very narrow. This has implications for what its application can be expected to deliver. Given the narrow focus on order maintenance and the classification of 'incidents' into the categories of crime it seems that police intervention is, most often, unlikely to change the circumstances which produced the violence in the first instance.

Another practical finding from this data is that police officers must be very careful that the application of the police discourse does not result in a form of secondary victimization. This is particularly the case with instances of rape or forced sexual intercourse where the focus on gathering evidence in order to apprehend a suspect may only be of secondary importance to victims. However, this is not only true for rape. In instances of GBH the practices of policing are also directed towards apprehension of the suspect and in such instances advice to victims, for example regarding insurance claims or the Criminal Injuries Compensation Scheme, is not forth coming. The content analysis of these files,

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particularly the Beat Crime file, reveals that 'advice' more often functions as a way to exit cases from the system when they are not going to result in an arrest than as a component in police service delivery to victims. The fact that the phrase 'advice given' is virtually ubiquitous in the Occurrence Book file and almost non-existent in the Major Crime file is evidence of this tendency. Giving appropriate advice to victims of serious crime, even when they do not proceed with criminal charges, putting them in touch with agencies which can help is essential. However, we saw in the Major Crime file instances of rape where no such advice was forthcoming, although, to be fair, one case which did not result in a prosecution did result in referrals to other agencies. The content analysis of these files reveals that police practice with regard to these 'social service' duties is far from standard. It also shows the potential for the police response to become a form of secondary victimization. Where there is evidently a problem involving some degree of violence and the version of events of a powerless, or less powerful, person is not, or cannot be validated within the confines of police discursive practices the usual police response is to exit the case from the system. This may be experienced as another facet of the victimization of the less powerful.²⁶

However, this should not be construed as an argument for the criminalization of domestic violence. In this context, consider the few examples of 'family violence' within extended families of non-English origin. These are very complicated situations and the feelings of the individuals involved may not correspond to the interpretation placed on events within the dominant English culture. To argue for criminalization in these instances is not only ethnocentric it may create potentially disastrous circumstances, not only at the micro level where police officers are

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expected to intervene, but also at a higher political level where charges of racist practice may be leveled at the police institution as a whole.

One of the major lessons of this, and the preceding chapter is that so called domestic violence is a very complex social phenomenon. Indeed every instance which the police institution (or indeed social scientists) may classify as a case or incident of domestic violence is unique. As such we cannot pretend that there is a simple solution to the problem. In order for front line police officers to be able to adequately respond to the unique aspects of each individual case what is required is a wide brief that is able to take account of many factors which are not always predictable. However, the opposite is the case and front line police officers operate within the confines of a very narrow brief. The linguistic-authority-structure of the policing of inter personal violence obscures more about individual instances of domestic violence than it is allowed to illuminate. This effectively prevents officers from addressing the situation in many, if not most, instances in a way interpretable as appropriate by other social actors.

The problem, from the perspective of police management, is that arguing for a widening of the police brief effectively eliminates any possibility of assessing and evaluating 'police effectiveness'. It also creates the space for undesirable outcomes to be hidden by both individuals and the organization. The alternative to widening the police brief is to argue that other agencies should step into the breach. In this regard, the most obvious choice would be the women's refuges. Unfortunately, these services are few and far between. The irony is that as the police began to take domestic violence seriously the articulation of a refuge based response to the problem was eclipsed. In the concluding chapter I will

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reconsider this paradox in the context of the British situation at the end of the 1980s. Prior to that, I wish to pick up the threads of the discourse in the North American context.

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- 1 All names and addresses in these accounts have been changed.
 - 2 McCabe S. and Sutcliffe F. Defining Crime, Oxford Centre for Criminological Research, Basil Blackwell 1978
 - 3 The sensitivity with which individual officers may approach this aspect of dealing with domestics has been remarked to me by police researchers and police officers alike. Some officers spend a good deal of time 'counselling' the couple and getting them to 'talk out their differences'. Such officers will do the best they can in the circumstances regardless of the official force policy. Some police researchers have taken, as their mode of analysis, the development of typologies for describing the police officer's working personality. Examples of this type of analysis can be found in: Muir, W.K. Police, Streetcorner Politicians Chicago, University of Chicago Press 1977 and in Reiner R. The Blue-Coated Worker, Cambridge; Cambridge University Press © 1978. In Muir's work, police officers' use of coercive power (and its corollary, 'negotiation') provides the focus of the study, and a four fold typology is developed to describe the adaptations to police work. I stress that my own study is not so much to assess what individual officers do when they encounter a 'domestic situation', nor is it intended to develop such a descriptive typology. Rather, what I am focusing on is the institutionalized police response for domestic violence calls. The question for me is: can there be such an institutionalized police response to violence against wives that substantially alters the situation for the victims benefit?
 - 4 Richard Ericson has also examined policing in these instances pointing out that "decisions on whether or not to record a complaint, decisions on whether or not to charge and what to charge for are framed within the context of the dispute and organizational expectations about how a dispute is to be handled. Who are the disputants? What are their claims? Is invocation of the criminal law an appropriate way to reproduce order? Is there an appropriate criminal law that is usable? Can invocation of the law be justified to police supervisory officers? Can invocation of the law be justified to the crown attorney?...actions are framed, and ultimately bound, by the need to tailor conceptions of justice to the available justifications." See Richard V. Ericson Reproducing Order: A study of Police Patrol Work, University of Toronto Press, Toronto © 1982 Ericson also points out that when victims can give accurate information about the perpetrator of a crime it is more likely to be 'resolved'. While all of this is no doubt true, such an account leaves out the interpretations of the victim and suspect. In this example we can see that the injuries were substantial enough to class as an ABH giving ample justification for recording it as a crime. However, the incident was 'resolved' by being 'down-crime'd' and recorded only in an IRB, apparently following the wishes of the victim. When the incident was reclassified three days later the objective details of the crime had not changed, nor was there a need by police officers to 'reproduce order', rather, the woman involved made the decision to facilitate the processing of the incident by becoming a 'victim' and thereby allowing the other categories of the linguistic-authority-structure for policing interpersonal violence to be logically applied.
 - 5 Maurice Punch has remarked on cases concerning 'private squabbles' which have got out of hand "whereby one or both of the parties is emotionally worked up." Punch became very

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attuned to the police perceptions during six months of intensive field observation and some of his comments exemplify the police view of these calls for service. With regard to 'interpersonal disputes' he has commented that "these disturbances arise from unusually long-standing differences of opinion which suddenly escalate and lead to a police presence. They symbolize the inability of some people to solve their own frictions and problems which, for some reason, move from the private to the public sphere." Punch M. Policing the Inner City: A study of Amsterdam's Warmoesstraat. London Macmillan Press Ltd. © 1979 pg.137

- 6 See M.S. Pike The Principles of Policing published by Macmillan Press Ltd. London © 1985 in which he discusses both moral principles.
- 7 It might be objected here that since there was no violence, nor was the threat of violence recorded, that this case is not one of 'domestic violence'. Instances like this one inhabit a grey area which cannot be comfortably assigned to the 'domestic violence' category, however, given that intimidation was used it is technically possible to take note of 'psychological harm' which would enable the attending officer to class this incident as ABH.
- 8 Parsloe, S. 'Battered by men and bruised by the law'. in *The Law Magazine*. Sept. 4, 1987
- 9 R. Grimshaw and T Jefferson Interpreting Police Work Policy and Practice in Forms of Beat Policing © Grimshaw and Jefferson 1987 published by Allen and Unwin London
- 10 The Metropolitan Police; The Principles of Policing and Guidance for Professional Behaviour, © 1985
- 11 'No-criming' has also been objected to for rather different reasons. Both Sandra Horley and Susan Edwards, for example, have made the case that 'no criming', as a result of the victim being unwilling (or unable) to pursue the allegation of assault, is simply adding the burden of pursuing a prosecution to an already long list of troubles that a victim of domestic violence must deal with. According to this logic the use of the compellability clause (sec 80) of the PACE in these instances would spare the victim this agony. Further, these advocates contend that the practice of 'no-criming' as it is currently constructed contributes to a subtle form of 'victim blaming' by which women who do not demand immediate arrest and agree to pursue prosecution through its lengthy process are seen to be sanctioning their maltreatment and are thus deemed undeserving of attention. This reasoning has lead both women to campaign against the police practice of 'no-criming' and for the criminalization of domestic violence.
- 12 See: N. Johnson 'The Police, social work and medical responses to battered women', in Marital Violence, N.Johnson ed. Routledge and Kegan Paul, London © 1985
- 13 Sanders, A. 'Prosecuting Domestic and Non-Domestic Violence' Unpublished paper presented at the Oxford Centre for Criminological Research Nov. 1987
- 14 See: Faragher T. 'The Police Response to Domestic Violence Against Women in the Home' in Private Violence and Public Policy J, Pahl ed. Routledge and Kegan Paul © 1985
- 15 *ibid.* Pike The Principles of Policing © 1985
- 16 Radford J. 'Policing Male Violence Policing Women' in Women Violence and Social Control J, Hanmer and M Maynard Eds. Macmillan Press London © 1987
- 17 See S.S.M. Edwards 'Provoking her own Demise; from common assault to homicide' in Women Violence and Social Control J, Hanmer and M Maynard Eds. Macmillan Press London © 1987
- 18 In these instances the 'victim' is usually the one with the worst injuries.
- 19 One of these cases, which was transferred to the British Transport Police, involved a woman who was attacked and 'punched in the face and stomach' by a man on a Tube Station platform.

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The file records that the alleged assailant was known to the victim; "he is the man who raped her." Unfortunately this information cannot be followed-up because the case was transferred to another jurisdiction. The second 'unclassifiable' case began with a simple domestic dispute between a husband and wife. Having attended the venue and finding everything calm the police left where upon the dispute flared up again. This prompted the downstairs neighbour to intervene punching the abusive husband in the face causing the loss of six teeth.

- 20 Deborah Cameron and Elizabeth Frazer point out that in cases of sexual violence, and indeed violence more generally, questions should not be focused purely on the nature of victims; what is in need of explanation is why the perpetrators of such violence are almost universally men. D. Cameron and E. Frazer The Lust to Kill , Polity Press, Cambridge © 1987.
- 21 McCabe S. and Sutcliffe F. Defining Crime Basil Blackwell Oxford, © 1978
- 22 Clearly the police are not the only people who see marriage relationships and marriage-like relationships as important and pursue avenues intended to "patch things up". Sandra Horley, director of Chiswick Family Rescue, has recognized the problems that being 'in love' may create for women dealing with partners who beat them up. See: Love and Pain; A Survival Handbook for Women Bedford Square Press © 1988
- 23 This technique was explained to me by several officers. Another example of this kind of book-keeping was used to illustrate the point. Given a case of one person breaking into five Parking Meters; if you have a body it is five separate crimes recorded as five crimes 'cleared-up', if you do not have a body it is one crime and only one crime 'not cleared'.
- 24 It has been noted by some researchers that there are few women taking advantage of the provisions under this scheme. These remedies been criticized for reasserting "the central role of the police and the criminal process in the provision of remedies for the victims of family violence." M. Wasik 'Criminal Injuries Compensation and family violence', *Journal of Social Welfare Law*, 1983 pg. 100-108. It would seem that part of the problem with centralizing such provisions in the hands of the criminal justice system is that their agents (principally the police) forget to inform 'victims' of their ability to claim and pursue single-mindedly the ends of the criminal justice system.
- 25 I draw the readers attention to the 'identity codes' included in this table. I.C. is an acronym for 'identity code' a police euphemism for 'race'. There are six 'identity-code' numbers: 1)White, 2)Dark skinned Europeans, 3)Negroid types, 4) Indian or Pakistani types, 5)Chinese/Japanese types, and 6)Arabian/Egyptian types. This information is collected regarding all victims and suspects recorded in crime report forms.
- 26 An excellent discussion of secondary victimization from an explicitly feminist stand-point is contained in: Stanko E.A. *Intimate Intrusions; Women's Experience of Male Violence* Routledge and Kegan Paul London and New York © 1985

*Be on my side, I'll be on your side
There is no reason for you to hide
It's so hard for me stayin' here all alone
When you could be takin' me for a ride
You take my hand I'll take your hand
Together we may get away
This much madness is too much sorrow
Its impossible to make it today*

*Down by the river
I shot my baby
Shot her dead*

Neil Young

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Introduction

A Ph.D. thesis, seeks closure. Firmly grounded in the Aristotelean tradition of beginnings, middles, and ends, it seeks to enclose knowledge; to create a package of facts neatly wrapped in a tight argument; to offer the definitive version with a definite conclusion. To paraphrase the American philosopher Will Durant, such an approach lacks that Heraclitean sense of flux which justifies the conservative in believing that all permanent change is gradual, and justifies the radical in believing that no changelessness is permanent. Most Ph.D. theses in the discipline of Sociology seek to cast in iron the definitive version of a history, a process or social phenomenon . . . but rust never sleeps.

In the remaining two chapters of this book I would like to pick up the threads of discourse where they were left in the mid-1980s and, by so doing, offer some indication of the developing trends. Many lines of articulation have been traced herein and many continue. What I will do here is review the salient developments of the discourses on 'domestic violence' as the 1990s dawned. This is not intended as an exercise in prophesy. It is impossible to say what might constitute a new path of development and what may become a blind alley. Moreover, one cannot avoid missing what the historian, with the benefit of 20/20 hindsight, can make seem so self-evident. Be that as it may, it is possible to identify the major platforms from which the issue was articulated at the end of the 1980s and indicate the trajectories along which those lines of argument were aimed.

Some of those platforms will be familiar to the reader by now. The infrastructure of refuges that once bore the grand title of 'the Battered Women's Movement' warrants attention. Developments in the social

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scientific enterprise remained salient throughout the period, especially with regard to the international trade in 'facts'. Police managers and researchers, who also trade 'facts' internationally, continued to exert some influence on the discussion, as did spokesmen emerging from a psychoanalytic tradition. The later, who were late arrivals on the scene, came with their own version of what needed doing and their plans to counsel men who batter did not always meet with approval. Also, in the British context, ethnic minority women developed their own constituency considerably in the late 1980s and produced their own version of the facts relating to the problem. All of these versions of the discourse continued to contribute to the historical development of the issue and laid the foundations for what was to come.

In this chapter I will concentrate on the North American developments at the end of the 1980s with particular attention to the social scientific discourses. Some indication of the the status of refuge provision will also be provided, as will a discussion of the relevant developments in policing. The following chapter will be concerned with developments in the British context which, as before, fed off and built on North American ideas.

North American Social Scientific articulations of the issue of 'domestic violence' - a new decade

Social scientific inquiry into the social problem of violence within the family unit developed in leaps and bounds since the (re)-discovery of the issue. Prior to this discovery of wife battery by the women's movement, circa 1970, there was relatively little in the way of scientific inquiry into the problem and what little there was tended to be in the psychological

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literature on 'pathological relationships'. It has been noted elsewhere that, in the United States, the early 1970s saw a great deal of publicity in the general media with popular magazines as diverse as: *Time* , *Ms.* , *Rolling Stone* , and *Good Housekeeping* all carrying articles about the issue.¹ It is therefore something of a watershed when the Family Research Laboratory was established at the University of New Hampshire in 1975, one year before Del Martin's ground breaking book *Battered Wives* .

The work of Murray Straus and others associated with the Laboratory was best known for the introduction of the measurement tool known as the Conflict Tactics Scale.² Efforts by these social scientists to quantify and measure incidents of 'family violence' included two National Family Violence Surveys conducted in 1975 and 1985, as well as on-going analysis of official statistics. In addition, the associates of the Laboratory conducted a number of local family violence surveys, longitudinal panel studies and in depth interviews with victims of violence within the home. Efforts to theorize from those measurements also continued apace. To date, Family Research Laboratory staff members collectively boast more than two dozen published books, one hundred and fifty journal articles and a virtually uncountable number of articles in more popular forums. In addition the Laboratory hosted national conferences on family violence in 1981, 1984 and 1987.³

Obviously, such a large body of work cannot be reviewed here. In truth it is somewhat difficult to summarize because the brief taken by the institution has been widened to include many aspects of 'family violence', including wife battery, child abuse, child sexual abuse, elderly abuse, dating violence, date rape, marital rape, violence between siblings, parental abductions and missing children. Straus and his colleagues

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support a "holistic view of family violence" and are "concerned with the interconnections and interrelations of various types of family violence". Some of their findings are as follows:

- 'abuse' can be generationally transmitted. Family Research Laboratory studies have shown that men who beat their wives are more likely to have witnessed or experienced violence as children.
- victims of one kind of abuse are more vulnerable to other kinds of abuse, ie. women who are sexually abused as children are more likely to be abused as adults.
- the elderly are more frequently abused by spousal partners than 'care givers' ⁴

This research did not always achieve harmony with feminist concerns, although Straus, on occasion, referred to his work as such. A prime example of discordance were findings from the National Family Violence Surveys conducted in 1975 and 1985 which revealed a high percentage of assaults by wives on husbands. At one point Straus shied away from these findings stating that such assaults were conducted largely in self-defence.⁵ However, as the 1980s progressed Family Research Laboratory researchers began to outline a somewhat different formulation. Straus and his colleagues began to argue that reduction of the high incidence of "minor" and "often ritualistic" assaults by women could "help prevent the severe assaults known as wife beating."⁶ Straus tried to minimize the affront to feminist colleagues by insisting that the first priority in primary prevention was to empower women. According to him steps to attain equality between men and women in the economy, the family, politics and other spheres of society, as well as eliminating the use of physical punishment in child rearing, were all called for. Ultimately what was

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viewed as necessary was to change male attitudes and behaviour about power and violence in the family. However, he also argued that, important as these steps were, they

are not sufficient because they do not address the implicit norms tolerating violence within the family by both men and women. Consequently, efforts to reduce the severe assaults which the public calls "wife beating" must also attend to the norms tolerating "minor violence" by both wives and husbands because these are part of the etiology of wife beating and spouse homicide.⁷

Prescriptions given by the Laboratory also included the abolition of physical punishment (ie. spanking) of children by parents. According to the experts at the Family Research Laboratory, spanking children increases the probability that they will become deviant, not only as adolescents, but also, that their deviance would continue into adulthood. According to these social scientists, wife-beating, child abuse and crime outside the family, such as assault and homicide, statistically correlate with the experience of physical punishment during childhood. The theory propounded by Straus and his colleagues suggested that "one of the steps needed to create a society with a minimum of crime and violence is for parents to avoid all use of physical punishment."⁸

Another of the interesting contributions of the New Hampshire School was their comparison of homicide rates from several countries. They noted, initially, that the percentage of homicides in which the victim and assailant are members of the same family varied widely between different countries. Comparisons between the United States, Denmark and Canada led to the discovery that, the lower the homicide rate overall the higher the percentage of homicides that are *within* families. According to their

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analysis, this finding also held in comparisons between American states. The data produced suggested that the family is an inherently violent institution and further, that males are the most frequent perpetrators of that violence. However, these researchers shied away from the drastic conclusions made by advocates for battered women in the 1970s; they made no argument for the dissolution of the 'patriarchal' family, nor was there any explicit interest shown in refuge provision. At the same time, it was shown that violence within families, as exemplified by the homicide rate, was a characteristic of the family itself and not a phenomenon brought about by external structural factors. It was argued that:

The findings should not be taken to mean that poverty, urbanization, racism, violent subcultural group norms, and social disorganization have no effect on intra-family homicide; only that these characteristics have less effect, or less immediate effect, on family homicides, and probably must be examined in interaction with familial variables. Putting it another way, policies intended as 'primary prevention of intra-family homicide, while they cannot ignore the more general structural causes of homicide, must also address variables such as stress which seem to have an especially important relationships to homicides within the family . . . even in a society which succeeds in reducing the effect of the general socio-cultural factors and in virtually eliminating homicide, the relatively few remaining cases will tend to be within-family.

The idea of controlling 'stress' within the family and between family members is an idea associated with counselling programs for men who batter which will be discussed in more detail later in this chapter. What is interesting to note here is that the efforts of social scientists could produce empirical evidence to validate part of the original thesis of the battered

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women's movement, that being: that the family unit is an *inherently* dangerous place for women.

As the 1980s entered its final quarter, it became very difficult, to distinguish, on an institutional basis, feminist approaches to the problem from purely social scientific ones. While social scientists like Straus did, at times, refer to their work as feminist, occasioning confusion, more confusing still were feminists formally attached to the New Hampshire School who challenged the hegemony of the School's paradigm. Both Kersti Yllö's and Michele Bograd's work are examples of this.⁹ Yllö argued elsewhere for a feminist methodological approach to studying wife abuse. She made the point that:

... virtually everyone who studies wife abuse and other violence against women wants to see an end to such abuse, we might regard all of this work as feminist in some sense. However, this is clearly not the case. Leaving aside the openly anti-woman analyses of wife battering (usually provided by psychoanalysts), we see extensive research by non-feminists (though not necessarily anti-feminists), most of whom focus on families and wife abuse as part of that system of interaction. Since much of this work does not take gender or power into account as central factors, the focus is not feminist. Further, methods used (usually quantitative surveys or psychological tests) have been questioned as patriarchal.¹⁰

Yllö attempted to provide criteria for distinguishing between 'feminist' and 'non-feminist' (or 'anti-feminist') discussions of wife assault by distinguishing between the conceptual categories put into operation. By advocating the use of concepts like 'power' her analysis contained a veiled criticism of the New Hampshire School. At the same time, she also hinted that the use of purely quantitative measures could be considered at least suspect. Again, this was a somewhat veiled criticism of the Family

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Research Laboratory which was most distinguished for its quantitative research.

The distinctions made by Yllö were put somewhat differently by other (male) social scientists. For example, the work of the New Hampshire School was also attacked, from a 'feminist stand-point', in the work of some 'left realist criminologists'. This critique was congruent with Yllö's assertion that the concepts of 'power' and, in particular, 'gender' were to be considered essential for a proper understanding of the problem of what was variously referred to as 'Woman Abuse' or 'Wife Abuse'. However, the work of the 'realists' did not eschew quantitative methodologies and its proponents actively employed survey research technology.¹¹

The issue was not one of institutional affiliation since many of the New Hampshire School's critics had some tentative connection with that institution or occupied similar positions at similar institutions and carried out a similar kind of social science. Rather, the debate was more a question of the efficacy of employing this or that analytical category; those most often considered appropriate for a feminist analysis being the 'gender dimensions' of 'power'. According to this reasoning 'non-feminist' analysis or, worse still, 'anti-feminist' analysis, was exemplified by gender neutral categories such as 'family violence'. It could be said that, at the end of the 1980s, the dominant paradigm of the Family Research Laboratory had developed a Hegelian tendency.

The way these debates were drawn up it would seem that what was often seen to be at stake was the words themselves. The confusion of this war of words is evident in Richard Gelles' version of the history. Gelles' *The Violent Home* was originally published as a monograph at the height of public awareness of the Battered Women's Movement.¹² It was re-

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published in 1987, and in the preface to the updated edition, Gelles argued that his main contribution in the mid-1970s, apart from demonstrating "that researchers could overcome the obstacles of studying sensitive and taboo family topics" was that his study "represented the first theoretical effort in the study of wife abuse to offer an explanation not based on the mental illness of either the offender or the victim." According to him, "those who followed were not bogged down (as were those who studied child abuse) by myths that described wife abuse as rare and caused primarily by the offender's mental illness or psychological problems"¹³ Gelles went on to joust with his old foes Rebecca and Russell Dobash "who thought that the theoretical perspective in *The Violent Home* did not go far enough." Gelles vigorously defended his categories, terms like: 'spouse abuse', 'domestic violence' and 'family violence'. He saw the debate as "between those who explain spouse abuse as a function of the patriarchy vs. those who take a more traditional middle-range theory, [and a] rigorous methodological approach."¹⁴ The concepts of 'gender', 'power' and 'patriarchy' were certainly integral to the Dobashes' work but, in the latter half of the 1980s Yllö, Bograd and the 'left realists' had also begun to operate within this conceptual framework. The attack that Gelles ostensibly aimed at the Dobashes in 1987 rebounded on the new critics of the New Hampshire School.

There were important differences between these first and second wave feminist social scientists however. Gelles could not easily take to task the Young Hegelians for methodological imprecision, since many of them employed sophisticated quantitative measures of the kind he favoured. Throughout the 1980s he had accused the Dobashes of precisely such imprecision, although at times, it seemed that what Gelles was really

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criticizing was not the theory or the methodology but their advocacy of primary resource allocation for the women victims of violent men. The Dobashs advocacy for battered women and their active connections with Women's Refuges at that time certainly put Gelles' objectivity in a different light.

In truth, what was missing from Gelles' 1987 account of the early years is the role that the 'Women's Movement' played in defining the problem. While the war of words was waged, sometimes with great fire, what was most at stake was the establishment of an infrastructure of support for women victims of violent men. In those early days spokespersons who had the Women's Refuge as their institutional allegiance were seen to be in opposition to those who spoke from a purely social scientific institutional stand point.

By the end of the 1980s these issues of institutional affiliation did not appear as central. This is reflected in the growing paucity of information about refuges and their provision in the American literature. Indeed, at the end of the decade the most up to date list of refuges and other institutional support networks for women victims of violent men in the USA (at least, that has come to my attention) remained an appendix contained in Costa's 1983 volume on legislation, reporting and prevention.¹⁵ The major contributions to the public debate in the late 1980s did not contain information of this kind. Further, when the contributions of refuges and other practical feminist interventions are mentioned, it is a passing note.¹⁶ Not surprising in this respect is the volume *Coping with Family Violence; Research and Policy Perspectives* which is a contribution of the New Hampshire Laboratory.¹⁷ Examining the Table of Contents of this book one is struck by the fact that there is only

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one contribution out of the twenty-one essays which considers Battered Women's Shelters at all, and then it is confined to an assessment of its 'psycho-social impact' on victims. In contrast there are four contributions which consider the use of the criminal justice system in providing 'protection' and two essays on 'treatment' for men who batter. With respect to violence against wives, over all, the themes expressed in this book do not *advocate* the perspective of the victim, rather, their perspective is *evaluated*. The weight of attention is focused on institutions which are not feminist in and of themselves, that is, the institutions focused on are not, primarily, services for battered women. Instead, great stress is placed on revamping criminal justice and medical interventions into the problem.

Feminist discussion also tended to focus attention on other issues, de-emphasizing shelters and other primary resources for victims. Looking at the table of contents in *Feminist Perspectives on Wife Abuse* it is evident that refuges are not the primary consideration. There are two essays which consider refuges and the 'Battered Women's Movement' explicitly. The remainder fall under the rubric of psychological approaches to 'treatment'; social science approaches to research on violence in the family (from a feminist perspective); or the more general question of feminist politics in relation to research in the area.

Central to *Feminist Perspectives* was "challenging taken-for-granted conceptual categories and stereotypes."¹⁸ However, a new tack was also developed in that volume. Approaches to the problem based in clinical psychology, particularly feminist or pro-feminist approaches to counselling men who batter, were a primary concern. James Ptacek's account of interviews with eighteen wife beaters is illuminating in this respect, both

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in terms of how it felt to be a researcher talking with men about such a sensitive subject and in terms of exposing the mental gymnastics that violent men are capable of in justifying, excusing and neutralizing their own violence. Ptacek drew on Habermas' distinction between individual rationalizations and collective interests paraphrasing him to the extent that:

From everyday experience we know that ideas serve often enough to furnish our actions with justifying motives in place of the real ones. What is called rationalization at this level is called ideology at the level of collective action.¹⁹

From this perspective Ptacek could argue that "clinical and criminal justice responses to battering are revealed as ideological in the light of their collusion with batterers' rationalizations."²⁰ According to Ptacek's analysis, when "police officers and judges encounter batterers, a mutual validation of victim-blaming and minimization occurs." Further, "while reform is proceeding among the various levels of the criminal justice system, an acceptance of batterers' rationalizations for their violence remains commonplace."²¹ He argued for what he called a 'critical social psychology' which would reveal "the class-specific forms of male entitlement, male anger, male subjectivity, and misogyny" from which "the resulting portrait of male domination becomes more difficult to deny."²² The question is: which institution would buy that portrait?

One way of beginning to answer this question is to point out that virtually all of the federal funding for programmes cited as useful in effecting change in the U.S. Commission on Civil Rights report *The Federal Response to Domestic Violence* (see Chapter Three) were eliminated before the report was published.²³ In particular, strong opposition from

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politicians kept federal funding for women's shelters at a minimum. Senator Jesse Helms had set the tone of debate early in the decade when he argued against any federal funding for domestic violence shelters because they constituted "social engineering" which eliminated the husband as the "head of the family".²⁴

Susan Schechter's contribution to *Feminist Perspectives* entitled *Building Bridges Between Activists, Professionals and Researchers* offers a concise version of the history of the Women's Shelter Movement in the U.S.. Her point of departure is the importance of the strategy of refuge provision to the public account of 'battered women'. She argued that - after years of painstaking lobbying by women activists - professionals, researchers and government officials had begun to take the refuges seriously. But, the recognition was bought at a price and Schechter went on to say that she was worried that official recognition had transformed the issues raised by grassroots women. Her specific concern was the professionalization of shelter provision. She pointed to the falling number of women working in shelters on a voluntary basis, the increased use of paid social workers and above all by the reconceptualization of 'battered women' as 'clients'. According to her:

greater attention was paid to the individual woman's counseling needs and less to group sharing, peer support and teaching battered women to advocate for one another.²⁵

She pointed out that the directors of most battered women's programs were hired from the ranks of the legal and social work professions and, further, that the movement leadership itself had been subtly transformed. According to her, "imperceptibly staff lost their connection to a movement

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in the process of learning their complicated jobs and becoming experts."²⁶ This tendency was opposed by grassroots feminists who "assert that a movement is necessary to end violence against women, to keep the energy and anger of shelters alive, and to remind the government and men that a collective power is watching."²⁷ However, given the conservative politics of the 1980s in which the "federal government has been intent on restoring the traditional male-dominated family, slashing social welfare programs, and redistributing wealth upwardly", it was not clear that shelters could remain an institutional basis for an autonomous battered women's movement.

According to Schechter, that outcome was still not clear at the end of the decade. She reported that in many parts of the U.S. in the late 1980s battered women had united in "task forces, frequently connected to statewide battered women's coalitions" providing a structure for them to "make demands on shelters and community institutions." She went on to say that "by uniting battered women can no longer be tokenized" and that they could "demand accountability from shelters and community organizations."²⁸ If refuges had to be lobbied by battered women's task forces it would seem that Women's Shelters no longer provided unequivocal support for them, rather, they had become an institutional barrier in opposition to them.

Schechter pointed out that much research had been "indifferent, if not hostile" towards battered women and that many social scientists acted in an opportunistic fashion, plundering data without care or concern for women victims of violent men. Although she refrained from naming names, she pointed to the "resurgence of social theories that blame battered women for the abuse they endure or assert that gender is

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irrelevant to the study of family violence and to the design of intervention strategies." According to her battered women's activists were in a position to offer researchers "sophisticated and intellectually rich questions" if only social scientists would "acknowledge that battered women and their advocates are experts about violence."²⁹ By overcoming the "outworn accusations that activists are all anti-intellectual and that researchers all opportunists", by building bridges, Schechter hoped to build a new improved movement based on 'mutual trust' between activists, researchers and professionals "so that battered women, and all women, can be empowered."

The difference between the position articulated by Schechter and her contemporaries in the late 1980s and the earlier position of the Dobashs seems clear. The Dobashs produced social scientific knowledge during a period when the refuge movement rode the crest of a wave. A decade later that wave had begun to ebb and the job for social scientists supporting shelter provision had changed. The emergent picture was that social science could no longer be the vanguard of the shelter movement, since the movement had slowly evaporated in the daily grind. Instead, social scientists and other professionals, had become medics responsible for nursing a wounded discourse, a discourse based on refuge provision.

Murray Straus had come to a slightly different conclusion in *Coping with Family Violence*. His view was that work of the Family Research Laboratory was:

illustrative of an important facet about the field of family violence: there is a high level of interdependency and cooperation between researchers, practitioners and advocates. The relationships are not always congenial and views are not always identical. But more so than in many other fields of social science and social welfare

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there is an active partnership. This partnership bodes well for future breakthroughs in our efforts to respond more effectively and compassionately to this painful social problem.³⁰

Examining the successes of the partnership Straus referred to, it is evident that the initial discourse of battered women's advocates had been translated. The relative weight placed on the importance of refuge provision shifted away towards new concerns. In its place we find programmes for men who batter: 'treatment'. We also find treatment used with reference to battered women and in place of the provision of safe housing for women victims of violent men, attempts (usually successful) to involve the criminal justice system in 'protection'. Thus 'treatment' could be linked with a strategy of 'criminalization', 'arrest' and 'deterrence'. This is the consolidation of an altogether different paradigm from the initial project of the Erin Pizzey's and Betsy Warriors. This translation of the issue again eclipsed a discourse based on the empowerment of women victims of violent men through their active participation in the battered women's movement, offering instead 'protection' and 'treatment'.

This shift of emphasis is very clear in *The Domestic Assault of Women - Psychological and Criminal Justice Perspectives* in which Donald Dutton argued, cautiously, for a combination of psychological and criminal justice interventions and cited studies which purported to show the deterrence value of such an approach.³¹ Drawing on data he had collected in Vancouver British Columbia, he argued that incarceration for first time offenders in wife assault cases was extremely rare and that channeling such offenders, via arrest procedures, into treatment groups was not inappropriate. One of his findings was that "men in [court mandated]

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treatment rated the actual court appearance as the most severe event that happened to them". He argued, further, that since the widespread existence of court mandated treatment programs meant that police would be more likely to arrest and courts more likely to pass sentence it was necessary to expand treatment provision.

The evidence upon which he based his argument suggested that the prevention of recurrent violence was most strong when assailants experienced the triad of arrest, conviction and treatment. He cited a battery of studies which supported such a conclusion, including the work of Jaffe *et al* discussed in Chapter Four.³² According to Dutton, his own position was a middle path between those of the 'family systems theory' offered by the Family Research Laboratory, and 'feminist perspectives', both of whom, according to him, made faulty assumptions. According to Dutton the family systems approaches

err by emphasizing the current family system while disregarding the history of past relationships of the family's individual members. Detailed historical assessment might allow the detection of individual conflict-generators whose intrapsychic problems manifest themselves interpersonally in the contemporary family. Ignoring this possibility unfairly makes other family members share responsibility for the intrapsychic pathology of one dominant member.³³

On the other hand:

Feminist therapy tends to err in the other direction, viewing all male violence as systematic domination of women. Feminist therapy calls for resocialization of men in treatment even though this resocialization may be at odds with the man's primary socializing milieu and world view. If this is the case, the resocialization in treatment is unlikely to compete effectively. Feminist therapists seem to believe that because men have greater objective sociopolitical and economic power, their violence is

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always used in the protection of that power. In my therapeutic experience, assaultive males frequently feel completely powerless despite economic and socio political power. That they earn more money than their wives is irrelevant to them. That they feel incapable of living up to the economic demands of raising a family, winning an argument with their wife, fulfilling a life goal or earning as much as a relevant comparison person is more salient to their view of themselves as powerless. Clearly there is a vast discrepancy between objective power and subjective feelings of powerlessness.³⁴

According to Dutton the proper approach would fall between these polar opposites. He advocated a "philosophy of personal responsibility" that is both "compatible with the criminal justice philosophy and the values of the broader culture in which it is nested". By his own admission this was a conservative approach which sought to change individuals to fit social systems rather than seek social change. He called it "essentially a pragmatic approach, a band-aid that requires buttressing by other therapeutic forms and by constant action for social change."³⁵

It is with respect to "action for social change" that Dutton's approach could be found wanting. The refuge movement had, in the past, supplied constant action for social change and yet it received no mention in his work. Dutton speculated as to why battered women find it difficult to leave violent relationships finding it difficult to disentangle 'psychological' and 'economic dependency'. He ended by favouring the assumption that women are more likely to remain separated from their violent husbands if they are both economically independent and if their relationship was of short duration (thus minimizing 'psychological dependency'). The strategy of refuge provision which, ideally, provided both material support and peer group support, was intended to address these aspects of dependency. However, the strategy advocated by Dutton, which was focused on giving

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victims, but primarily assailants, the 'adequate care and attention' of medical, social service and criminal justice professionals had left out the need for such provision entirely.

Towards the end of the decade important new models for counseling men who batter were developed and put forth as a palliative measure for overcoming domestic violence. Some of these took the label 'pro-feminist' while others, like Dutton's, eschewed such associations. These new social psychological models were put forth as the pure law enforcement paradigm began to wane. Before elaborating the differences and similarities between these counselling approaches, it is necessary to address the developments in the criminal justice field in order to provide the proper context.

Criminal Justice and 'Domestic Violence' in the North American Debates

As is suggested by the sub-title of Dutton's contribution, in assessing the impact of the paradigm of 'Family Violence Intervention', it is important to take cognizance of parallel developments in the area of criminal justice. Knowledge production in this area, particularly in the North American context, remained dominated by the American Police Foundation, The National Institute of Justice and various departments of Criminal Justice at institutions of higher learning throughout the U.S. Not surprisingly, their primary focus remained on the policing of domestic violence, especially in so far as it was linked with deterrence based research. The growth in knowledge production in this area was almost as explosive as that produced by the Family Violence Laboratory.

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The most significant development in this sphere was the replication of the Minneapolis Domestic Violence Experiment. The first replication study results failed to confirm that arrest had any deterrence value. In the repeat of the experiment in Omaha, Nebraska, no differences by disposition were found in prevalence or frequency of repeat offending, using five measures of recidivism, assessing outcome six months after police intervention. Further, among the 97 victims who responded to questions about the arrest treatment, 60% reported that they did not want the police to arrest suspects, 65% reported that suspects blamed them for the arrest and 21% indicated that suspects threatened them because of the arrests.³⁶ The authors concluded:

that victims whose partners were arrested were no less likely to experience repeated violence from their partners than were victims whose partners received a randomized 'separate' or 'mediate' disposition from the police.³⁷

At the same time, Lawrence Sherman, who had helped design the original Minneapolis experiment (see chapter four) conducted a replication study in Milwaukee. Unfortunately, as of this writing, the details of the findings have yet to be officially released. Nevertheless, Sherman stated publicly in late 1990 that the Milwaukee experiment reproduced the original Minneapolis findings.³⁸

Research on the use of police by victims of domestic assault also came in on a slightly different tack. U.S. National Crime Survey data from the 1978 and 1982 sweeps were subjected to secondary analysis and it was found that the simple act of calling the police meant that victims were less likely to be assaulted on a subsequent occasion. Thus, it was revealed that an estimated 41% of married women assaulted by their husbands who did

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not call the police were subsequently re-assaulted within six months. When women did call the police the rate of repeat violence was measured at 15%. According to the U.S. Department of Justice, calling the police was associated with 62% fewer subsequent assaults.³⁹ This finding does not corroborate the deterrence value of arrest since the simple act of calling the police was deemed to be the deterrent factor. Nor does this finding contradict those from the Omaha experiment which found no difference between rates of re-offending after police action based on the three 'treatment' categories: 'arrest', 'send' or 'mediate'.

These confusing findings notwithstanding, the American Police Foundation, under the Chairmanship of James Q. Wilson, continued to produce glossy brochures under the title 'A Scientific Approach to Improved Policing' claiming that:

Arresting an assailant in a domestic violence case significantly reduces the likelihood of future violence. In the first scientifically controlled test of the effects of arrest for any crime, arrest was found to be the most effective of three standard responses used by police when responding to cases of domestic violence.⁴⁰

It was explained in the pamphlet that "it may be premature to conclude definitely that arrest is always the best police response to domestic violence, or that all suspects should be arrested" and a number of caveats were listed, including:

- The study involved a relatively small sample of subjects
- Most suspects arrested for domestic assault in Minneapolis are jailed overnight. Arrest may not have the same impact in cities where suspects return home sooner.

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- The cultural context of other cities may differ from that of Minneapolis and thus produce different results
- Follow-up interviews may have created a "surveillance" effect that stopped suspects from committing further violence
- There were some inconsistencies between results based on official records of crime and those based on interviews with victims.⁴¹

While the pure deterrence paradigm was still being marketed as such, cracks were appearing and more caveats were placed on the Minneapolis findings as time went by. It is interesting to note that, concurrent with the deterrence research, new inquiries into the dangerousness of domestics to police officers were also being conducted.⁴² According to researchers at the National Institute of Justice in the United States these types of calls, while potentially dangerous to police officers, were not as dangerous as other types of work. They reported, using figures from National Institute of Justice data, that twice the number of officers were killed dealing with 'traffic offences' than were killed dealing with 'domestic disturbances' over the period 1973-84 inclusive.⁴³

Of course, this goes against one of the initial tenets of domestic violence research, that such calls for service are the most dangerous for police officers. In 1976 the International Association of Chiefs of Police, using FBI statistics, warned that "the police officer is exposed to threat of personal injury every time he responds to a family disturbance . . . Police officers must be aware of the danger involved in disturbance calls."⁴⁴ When the subject was touched upon by the New Hampshire School at the time the tenor of the warning was even more alarmist; they reported that

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"more police officers die answering family disturbance calls (22% of all police fatalities) than any other single type of call."⁴⁵

This new finding was used to bolster attempts to change police intervention practices with regard to domestic violence. According to the NIJ this research removed "one of the factors which has inhibited police managers from exploring innovative strategies in dealing with this police assignment." Following this reasoning "when danger to the police is high, safety measures are naturally given more prominence in setting policy. But if domestic disturbances do not generate exceptional danger to the police, managers can focus officer attention on improving effectiveness of the police response to victim needs."⁴⁶ How might police managers seek to improve the 'police response to victim needs'? The answer can be found in another study which echoed the NIJ findings.⁴⁷ This study, having established the basic premiss that domestic violence was not overly hazardous for police officers, concluded that:

For too long the issue of domestic violence has been considered a private family affair. The increasing statistics of wife abuse and child abuse are a strong indicator that traditional methods of intervention - such as mediation, transporting the injured and advising victims of rights - are not adequate. Decisive police and judicial intervention is crucial. Clear signals to offenders and society as a whole are needed to show that violence, whether in the home or on the street, is a criminal matter and will not be tolerated.⁴⁸

Through all of this period a legal battle was waged on behalf of battered women to "alter criminal justice policy to ensure that violence within intimate relationships was treated seriously and similarly to violent crimes committed by strangers".⁴⁹ Legislative, executive and judicial

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policies were implemented in many states to alter the treatment of family violence within the criminal justice system. To date, mandatory arrest laws for domestic violence have been enacted by more than a dozen state legislatures and numerous cities and towns throughout the United States.⁵⁰

Grass roots feminists in the United States began to worry about how these mandatory arrest laws were effecting women victims of violent husbands. In particular they were concerned about what was referred to as 'dual arrest'. Their fear was that entrenched police practices would reinterpret the intent of the legislation, resulting in an increasing number of women being processed through the criminal justice system side by side with their violent husbands. While at first glance this may seem an exaggerated objection, there was evidence that that this was occurring. A study on the mandatory arrest laws in the State of Washington found that one third of arrests were dual arrests. Further, in fifty percent of the cases where an arrest was made the women was charged. Studies in Connecticut and Oregon also revealed dual arrest levels of 18.8% and 11% respectively.⁵¹ These findings seem to indicate that the criminal justice response to wife assault is still problematic.

To remain strictly within the confines of criminological enquiry into domestic violence is to remain within the confines of, if not an outright deterrence paradigm, at least within the bounds of a discourse based on criminalization. When the issue of wife battery was articulated in these terms the alternative discourse, based on refuge provision, was submerged underneath other concerns. As the efficacy of this form of intervention came to be questioned new forms of intervention, based on 'treatment' for men who batter, began to emerge. The provision of resources for battered wives, such as access to a secure source of housing and income, became

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tertiary. However, not all of the treatment models were based on the same premises.

Treatment Models for men who batter

During the later half of the 1980s a new debate on the social response to domestic violence emerged. Distinctions between the forms of treatment that began to emerge during this period can be made in a number of ways. As already mentioned, Donald Dutton drew on a treatment model for dealing with violent husbands seeking to connect counselling to the criminal justice response. He characterized his approach as mid-way between feminist and family systems approaches. While some approaches to treatment for men who batter, and Dutton's is an example of this, emerged as a result of the perceived failure of the criminal justice response, still others emerged as an adjunct to refuge based services for women victims of violent men. It was as a result of this that a new debate emerged. Previously, so called feminist approaches shunned targeting resources for assailants seeking, instead, to obtain resources for victims. Towards the end of the decade 'pro-feminist' treatment models for men were moved higher up on the agenda.

There were good reasons for this. Refuge workers and others working with women victims of violent men, had made the observation that many women did not wish to leave their husbands nor did they wish to see them incarcerated. Rather, they wished for a cessation of the violence. It was thus perceived that changing men's behaviour was an important part of the social response to the violence. The emergence of pro-feminist counselling programmes, some of which were attached directly to women's

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shelters, began to challenge the dominance of the traditional treatment approaches.

Six approaches to counselling intervention have been identified, one of which can be considered pro-feminist.⁵² The five non-feminist paradigms have been labeled the Insight, Ventilation, Interaction, Cognitive-Behavioural and Psycho-educational Models. Pro-feminist criticism varied according to the model it was directed at, but the overarching criticism was that all of "these approaches collude with batterers by using techniques that do not adequately address the violence or by adopting modalities that compromise the man's responsibility for change"⁵³ So, for example, the Insight Model was criticized for "looking inward" and focusing attention exclusively on underlying emotional disorders usually seen as the result of childhood traumas. It was noted that such programmes frequently cite 'increasing the batterers self esteem' as a primary treatment goal while very little attention is given to having the batterer 'take responsibility for the violence'. This was hotly criticized and it was noted that by "becoming preoccupied by the presumed psychological etiology of battering, insight-oriented therapists also fail to recognize the utility, or purposeful nature, of violent and controlling behaviour."⁵⁴

Similarly, the ventilation model was considered inappropriate. Encompassing such therapeutic techniques as 'mock fighting' and other cathartic techniques calculated to release pent-up aggression, the logic of this approach was that by providing a safety valve such therapy would lessen the incidence of violent outbursts. The pro-feminists countered with the claim that far from providing a safety valve, cathartic techniques should be considered addictive and reinforcing of tendencies towards

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violence. It was also noted that "men who batter their wives do not need permission from experts to continue to vent their anger".⁵⁵

Interactive approaches were criticized for the 'neutrality' of the treatment model. Such approaches saw violence as an interactive process with victims playing a role equivalent of, if not equal to, the batterer himself. It was claimed that such approaches "blur the distinctions between violent and nonviolent behaviour" and that they "also give a tacit message that battering is an understandable, though unfortunate, response to behaviour on the victim's part that the batterer deems 'controlling' or 'provocative'".⁵⁶ This was equated with neutralization techniques used by rapists and incest offenders to deny their own culpability by saying that the victim was seductive; that 'she led me on'.

The cognitive-behavioural and psychoeducational models were seen as providing the insight that violent behaviour is learned behaviour. The basic idea of both approaches was that poor social skills led batterers to resolve conflict situations with violence. The model advocated 're-education' so that battering men would learn new, more appropriate, ways to resolve conflict. However, these treatment approaches were perceived to fall short of the pro-feminist approach since the model did not identify battering behaviour as situation specific. That is, that batterers frequently confront frustrating circumstances, stress and conflict but that reactions depend as much on the "status of the persons(s) with whom he is interacting as much as it does with his social skill level." It was noted that men who are violent when frustrated by their wives had a broader repertoire of responses when confronted with frustrations involving other men. According to advocates of pro-feminist counselling techniques, what

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needed to be injected into this model was an understanding of gender politics.

The primary insight of pro-feminist counselling approaches for batterers was that wife beating was seen as "controlling behaviour that serves to create and maintain an imbalance of power between the battering man and the battered woman."⁵⁷ Because of the tendency for abusive men to replace physical violence with more subtle forms of abuse, such therapists defined the violence in very broad terms to encompass all forms of controlling behaviour. Violent men were observed to engage in 'bargaining behaviour' with their wives and counsellors over how much and how soon they would have to give up their controlling behaviour. The ideal was that batterers in pro-feminist counselling programmes would be given a choice to comply with their treatment and safety plans or be terminated with notification to their partners. In addition, partners of men who failed to comply with treatment were encouraged to pursue legal measures and clients on court mandated treatment programmes were to be remanded for violation of probation.

To date there has been little in the way of independent evaluation of these treatment projects. The evaluation that has been carried out has been of the 'action research' variety and done by the operators of the programmes themselves. Nevertheless, treatment programmes for men who batter gained general acceptance towards the end of the decade. One such programme, in Duluth Minnesota, worked in tandem with services delivered to victims including refuges, the police and the courts. While claims to stop violent and controlling behaviour were somewhat circumscribed, the proponents of this programme pointed to the dangers women encounter when leaving violent men. Batterers in treatment were

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perceived to be less dangerous since treatment created an interlude during which separation could be negotiated more safely.⁵⁸

While it does seem likely that the adoption of such programmes as an appendage of the provision of services to victims holds some promise of alleviating the violence, In the United States the vogue for funding such efforts is taking place amidst inadequate provision for victims of the violence. Where adequate services for victims already exist, such programmes hold out the possibility of expanding the response and thereby confronting multiple facets of the problem. Where such services do not exist, or are under-resourced, treatment for men who batter may pre-empt the establishment or embellishment of such services. Pro-feminist models seem to operate in tandem with services for victims, non-feminist approaches operate instead of such services. The attachment of such programmes to policies of presumptive arrest and court processing seems to be an increasingly dominant trend in the United States.⁵⁹ This may, in certain localities, serve to undermine the provision of services to victims of male violence.

Canadian Debates on the Social Response to Wife Battering

The contradictory nature of the debate had a different twist in the Canadian context. When examining the discussion in Canada one thing is immediately apparent: the voices of the refuges themselves are much more prevalent in the discussions. Indeed, the number and quality of Canadian refuges, relative to the United States and Great Britain, is

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striking. This is because the Canadian Federal Government put relatively more money into refuge provision than either the U.S. or the U.K.. Indeed, Chiswick Family Rescue Director Sandra Horley reported in 1990 that the amount of money going into refuge provision in Canada was staggering. According to her:

under the government policy to provide adequate emergency shelters (women's refuges), 22 million dollars of federal money has been allocated to build five hundred new shelters this year [1990]. 25,000 more women will be able to find safety. Shelters have 24 hour cover, trained counsellors, child care workers (two workers per child) and trained outreach workers.⁶⁰

The level of provision for abused wives in Canada during this period was high; so high, in fact, that some feminists there spoke of the impact of the wife abuse movement on the State.⁶¹ This thesis was advanced by Jane Ursel, an academic and battered women's advocate in Manitoba. She divided the 1980s into three phases in discussing developments in the social response to domestic violence in that Province:

- (1) Phase one (1983-84) during which the criminal justice system was revamped in order that it could handle the large amount of work that processing of cases of domestic violence represents.
- (2) Phase Two (1985-87) in which the social service system was revamped in order to develop support services.
- (3) Phase Three (1988-90) in which changes in both systems continued concurrently.⁶²

The critical event in Phase One was an announcement by the Attorney General in February of 1983 criminalizing domestic violence. The directive required that in wife abuse cases, as with all assault cases, decisions to charge were to be based on evidence rather than the wishes of the victim.

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This produced over one thousand arrests that year for that Province, nearly all of which reached court.⁶³ Subsequently, two days a week had to be set aside for the court to deal specifically with the increased volume of wife abuse cases. According to Ursel this was done in response to lobbying by the provincial wife abuse committee in November 1983. At this time Criminal Justice personnel complained that the innovations in the policing of domestic violence clogged up the court system. However, because the Provincial Government was pumping so much money into the issue, feminist activists were actually being paid to produce knowledge countering such complaints and Ursel was able to say that "as part of this funding a report was prepared and submitted to the Attorney General's office within days of the Judicial condemnation of the directive."⁶⁴ This report not only countered the complaints by the Judiciary but also served to convince them that such complaints were unjustified and eventually served to secure their active cooperation. But, activity was not restricted to within the criminal justice system. According to Ursel, financial support for wife abuse services in Manitoba was at \$51,800 in 1981. This rose to \$315,800 by the end of phase one not including an additional \$100,000 which was earmarked for a public awareness campaign.

During Phase Two four new initiatives were introduced:

- (1) Police training on the issue of wife abuse.
- (2) The establishment of a Women's Advocacy Programme which was to support women whose partners had been charged with wife abuse and provide a bridge between the Social Service and Criminal Justice System as well as facilitating the operation of the criminal justice system.
- (3) The Growth of treatment programs for battering men.

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- (4) The development of a court policy on reluctant witnesses which recognized that treating all persons before the court equally would only perpetuate inequalities. This linked in with the Women's Advocacy Programme mentioned in initiative two.

Concurrent with these initiatives were more increases in social service provision. Ursel reported that the funding for wife abuse programs increased again to \$1,739,000. This allowed for an increase in community based wife abuse services throughout the province, increasing the number of programmes provided from 5 in 1984 to 23 at the end of 1987. Facilities included 10 shelters, a number of non-residential programmes as well as second stage facilities. Naturally, an office within the government had to be created to administer this funding and service provision.

The creation of this office polarized what Ursel referred to as "wife abuse workers and agencies with divergent views on the desirability of state involvement" on the issue.⁶⁵ Some worried that 'wife abuse' was no longer the preserve of 'feminists' but had become the property of 'the State'.⁶⁶ These criticisms were soothed to some extent as state officials kept up the pace of reform. This involved the introduction of a number of additional improvements to the system including: the provision of second stage housing for women who were forced to leave violent men; the establishment of the first native run wife abuse program and the first immigrant family violence service; secure financial arrangements so that women could move easily into women's shelters; and, finally, an \$800,000 dollar training program aimed at training 20 'grass-roots' local women as wife abuse counsellors which paid wages and expenses for the women for two years of in service and class training. However, Ursel's contribution

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also gave vague details of a mini-purge of 'femocrats' as the state moved from "passive to active participant."⁶⁷

Ursel described Stage Three as one in which the normalization of the changes introduced in the Criminal Justice System was secured and legitimated. She reported that the provincial budget for 1989/90 for wife abuse services stood at \$4.3 million. The Women's Advocacy Program continued to function taking the complaints of women who felt they have been ill-served by the Criminal Justice System or Social Services to the public via the press.

This made all agencies anxious to be seen to be responding appropriately and Ursel argued, on the basis of this, that the Battered Women's Movement had a significant impact on the State in the Canadian context. Ursel based this conclusion on a specific measurement criteria. According to her "the battered women's movement should have as its primary criteria of success or failure the situation of battered women. One must develop a means of determining whether a battered woman or a woman at risk has more options and supports available to her today than was the case prior to state involvement."⁶⁸

Not all feminists looked upon this as a success story, however, and an interesting debate amongst academic feminists, appeared during this period.⁶⁹ According to the analysis of some 'socialist feminists' the process that Ursel charted represented the reconstitution of patriarchal hegemony *through* the terms of feminist discourse.⁷⁰ According to this analysis, most observers, and presumably activists like Ursel, were caught off guard because the reassertion of patriarchy was not achieved in opposition to feminist discourse but through its own analytical categories. Thus, it was

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concluded, the growth in State interest in battered wives should not be seen as an unequivocal success.

This might have sounded like an abstracted and academic criticism, however, there was an empirical basis for it. One of the initiatives that critics of State involvement focused on was the so-called 'no drop' policy. This policy, adopted in Saskatchewan in 1985, was a version of a mandatory arrest policy. This policy made it difficult, if not impossible, for victims to withdraw allegations of assault once police had initiated charges. In a preliminary assessment, it was determined that in 35% of reported cases the victim requested that charges be dropped. Further, in 25% of reported cases the victim 'actively hindered' prosecution.⁷¹ While the researcher reporting those findings acknowledged that some of the non-cooperation was due to the fear of reprisals, close observation also revealed that many of the apparently inconsistent actions pursued by battered women (such as the obstruction of prosecution, or obtaining injunctions against men who batter them only to invite them to breach the terms of the order, or calls for service to the police followed by a refusal to press charges) were, from the perspective of those women, rational means to achieve protection without terminating the relationship. The adoption of blanket 'no-drop' policies in these circumstances was seen in a rather different light, not as an aid to battered women, but as an insidious form of social control.

With regard to the proliferation of refuges, arguments similar to Susan Schechter's were made. The increasing professionalization of shelter workers meant that battered women became clients. Some Canadian feminists complained of a growing tendency to hire staff with formal educational credentials and professional qualifications. While it was

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acknowledged that this strengthened the credibility of shelter staff in the community and helped to link shelters with other professional services, it also served to create a division between community-based (ie. grass-roots) and professional feminists.⁷² These feminists worried that the opinions and perspectives of experts were coming to take precedence over those of battered women.

Given this perspective, the growing provision of social welfare assistance was seen, not in its immediately apparent form as a material benefit to battered women, but rather as "strengthening the very same processes and institutions which gave rise to the demand for justice in the first place."⁷³ The argument went further. It was claimed that, by adopting some of the terms of feminist discourse and by creating the space for 'femocrats' within the interstices of State power, the State has also given the impression that it had dealt with the problem. The worry was that, eventually, these services would have to account for themselves along cost-benefit indices and their responsiveness to the needs of individual women would all but disappear.

If we place Jane Ursel's criteria for measuring the success of the battered women's movement in the context of this argument and ask: 'will women at risk from battering have more options and supports available to them because of state involvement?' - the answer cannot be an unequivocal 'Yes'. The standardization of the social response to domestic violence through the provision of 'services' to battered women by State funded agencies may actually rob them of choices that were only put there in the first place by the battered women's movement.

Ursel theorized that this movement by the Canadian State was part of a larger historical shift away from 'familial patriarchy' to what she

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referred to as 'social patriarchy'. She argued that as Canadian Society moved from an agrarian to an industrial society it moved from older patriarchal forms, characterized by the particular subordination of individual women to a male head of household, to the generalized subordination of women through centralized 'social patriarchal' structure embedded in broader political and economic institutions. According to this analysis wife battery, a symptom of the old patriarchal order, would give way as the new social order progressively asserted itself. She cited as evidence of this; the Married Woman's Property Act (introduced throughout Canada in the 1860s and 70s) and the Maintenance Enforcement Act (introduced in the 1970s). She argued that women and the State have a shared interest in dismantling the laws, practices and conventions of an old patriarchal order which have always been costly to women and have, over time, become costly to the State. Further, as the interests of women and the State converged, the establishment of 'social patriarchy' opened up the possibility of eliminating wife battery altogether.

Feminists critical of the State's involvement in the issue saw this historical process as a reconstitution of relations of domination and subordination. Far from seeing the expansion of refuges and the involvement of the criminal justice system and social welfare programs in the issue of domestic violence over the 1980s as an emancipatory trend they were sceptical of reform efforts:

As a public discourse, wife battery has been transformed from a critique of patriarchal power to demands for protection from male power. While the later is a documented real need, the problem is that its satisfaction has been equated with justice for women. The demands for re-distribution of social power, which can only result from radical social

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change and which underscored the early women's movement, has been translated into demands for expansion of current institutions.⁷⁴

The debates in Canada mirror those happening south of the border. On the one hand there are those who remark upon the changing response of traditional institutions to domestic violence, the rise in social awareness of the problem and the amount of resources put into addressing it, and encourage a positive view. On the other hand, there remained an argument that these reforms did not change the actual circumstances that produced the violence in the first place. This argument seems less strong in the Canadian context, however because of the relative importance assigned to primary resource allocation, in particular the provision of Women's Shelters and second stage accommodation, by State managers and politicians. In the U.S. it seems that relatively more emphasis was placed on criminal justice intervention and, towards the end of the decade, treatment for men who batter. While this was a component of the social response in both countries it was *relatively* less important in Canada.

The balance between the reform or revolution argument was rather different in the two contexts. Arguments for revolution seemed more appropriate in the American context where the notion that arrest equals deterrence, that 'booking has a bite', was promoted far above the need to provide resources such as refuges which could empower women victims of violent men. In those circumstances the needs of battered women were much less catered to. Instead, battered women were objectified in a process which served to consolidate the institutional practices of the criminal justice system. Reified as objects themselves, battered women could only serve to reaffirm the practices of policing. This discourse of

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domestic violence was not about changing the circumstances of battered women's lives, it was about reinventing the criminal justice system.

It is interesting, then, to see how the issue of violence against women emerged in public discussion in Canada. There was no Canadian equivalent of Jesse Helms to speak against the 'attack on the patriarchal nuclear family'. In fact, politicians in comparable positions of political power seemed much more willing to embrace the issue as a feminist one. This is clear from the decision taken by the Supreme Court of Canada in 1990, which upheld the so-called 'battered woman's syndrome' defence, in a case involving a spousal homicide. According to the *Vancouver Sun* the Supreme Court of Canada had delivered a 7-0 judgement upholding a 1987 acquittal of a Winnipeg woman who had shot her husband.⁷⁵ The acquittal marked the first successful use of the 'battered wife syndrome' defense in a murder trial. According to the news paper report the court ruling was welcomed by "women's groups" as "shattering the myths about abused spouses".⁷⁶

While politicians and others holding state power seemed eager to take on board at least some of the tenets of feminist thinking other men in Canadian society were less enthusiastic. This had been made all too clear one year previous to the Supreme Court decision mentioned above. In December, 1989, fourteen women were murdered in a massacre at the University of Montreal, Quebec. Marc Lepine had walked into a class of engineering students, lined up the female class members and gunned them down. The motive for his crime, according to a suicide note left by the killer, was competition from increasing numbers of female students which had led to his own failure.

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Of course many men, as well as women, reacted with shock and horror to the news. The headline in Saskatoon's *Star Phoenix* on Saturday December 16th was:

WIFE BEATER SEARCHES SOUL IN WAKE OF MASSACRE

The front page of that city's only daily news paper was entirely given over to the testimony of a 'former batterer'. According to the story, this former batterer, who had brutally beaten his wife on many occasions over a period of years leading to the break-up of his marriage, had founded a counselling group for batterers. In that capacity he had given lectures to RCMP officers, Adult Education Classes and social work students at the University of Saskatchewan, in addition to running programs for batterers on three Indian reserves. In the wake of the massacre he had decided to "go public". He stated that there was little difference between Lepine's mass slaughter and wife beating and, further, that *all men* need to be re-educated.

As a social barometer these two news stories are somewhat instructive. The Canadian Government had placed considerable resources into the hands of activists working on issues of violence against women during the 1980s. While this did attract some resistance, it seemed, for the most part, to generate constructive engagement with the problem of men's violence towards women. The terms of discourse did not remain exclusively feminist, but neither did it seem to suffer the radical translation that was effected in the United States. Thus, while 'treatment' and the engagement of the criminal justice system were recognizable parts of the Canadian social response, refuge based programmes attracted equal attention and a considerable amount of resources. In those circumstances

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the balance of forces upheld some of the original terms of feminist debate, their insights were not negated wholesale and feminists could, indeed, talk about the impact of the wife abuse movement on the State.

Conclusion and Summary

This chapter has sought to identify the most salient developments in the North American discourses on domestic violence at the end of the 1980s. It was noted that social scientific efforts to measure and theorize the problem have continued to grow. At the same time the criminal justice response to the problem was seen to be developing some ambivalence to straightforward deterrence theory and that presumptive arrest policies predicated on the notion that 'booking has a bite' and 'arrest is best' were beginning to look less tenable. As notions of the deterrence power of arrest waned, interest in 'treatment' programmes for men who batter began to achieve common currency. Some programmes that emerged have been labeled 'pro-feminist', some of which run in tandem with refuge based programmes for the victims of battering. Court mandated treatment programmes oriented around the need to prevent recidivism seem more common. While it is difficult to determine if such programmes achieve their ends they have been criticized by pro-feminist counsellors for colluding with the motives of male batterers. However, there has, to date, been little in the way of independent evaluation of any approach to treatment and, although such programmes are increasing in popularity, it is not possible to tell what effect their widespread adoption may have on the prevalence of the violence.

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My own worry is that the emergence of these new programmes might serve to further undermine the provision of services for victims. This seems to be of more concern in the context of the United States where a reluctance to support shelter provision in the early 1980s stunted the growth in provision of such services. The Canadian developments ran somewhat counter to this and, although there was much criticism of tendency to undermine feminist versions of what was to be done, the growth in refuge provision and other services for victims in that country was substantial. In this context, the introduction of treatment for battering men and the revamping of the criminal justice system to suit the demands of this particular type of crime seem constructive rather than a deviation.

In the next and last chapter, I will consider the developments in Great Britain during this period. Again, the international trade in facts about domestic violence will be shown to be very important. However, indigenous factors also played a role and developments in the U.K. had their own trajectory.

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- 1 Blackman J. *Intimate Violence; A study of Injustice*, Columbia University Press N.Y. © 1989 pg. 10
 - 2 The Family Research Laboratory had a staff of 12 full time academics in 1989 apparently the largest concentration of researchers devoted solely to the study of family violence.
 - 3 Also of interest is the establishment of three learned journals explicitly devoted to violence within families: the *Journal of Family Violence*, the *Journal of Interpersonal Violence* and *Violence and Victims*. See Finkelhor D. Hotaling T. and Yllö K. Stopping Family Violence Research Priorities for the Coming Decade, Sage Publications Calif. © 1988 pg. 19
 - 4 Straus M.A. and Gelles R.J. Physical Violence in American Families: Risk Factors and Adaptations to Violence in 8, 145 Families, Transaction Publications, New Brunswick NJ. © 1990; Straus M.A. and Hotaling Gerald T. eds. The Social Causes of Husband -Wife Violence (Foreword by Lewis Coser) University of Minnesota Press, Minneapolis © 1980; and Pillemer, K. and Wolf R. Elder Abuse ; Conflict in the Family, Auburn House, Dover Mass. © 1986
 - 5 Straus M.A. , Gelles R. J. and Steinmetz S. Behind Closed Doors: Violence in the American Family, Sage Publications, Newbury Park, California © 1980

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- 6 Straus M.A. and Smith C. "Family Patterns and Primary Prevention of Family Violence" in M.A. Straus and R.J. Gelles (eds) Physical Violence in American Families: Risk Factors and Adaptations to Violence in 8,145 Families, Transaction Press, New Brunswick, New Jersey © 1990
- 7 Straus M.A. 'Assaults by Wives on Husbands: Implications for Primary Prevention of Marital Violence' a paper presented at the 1989 meeting of the American Society of Criminology (unpublished document)
- 8 Straus M.A. 'Discipline and Deviance: Physical Punishment of Children and Violence and Other Crime in Adulthood' presented at the 1990 meeting of the Society for the Study of Social Problems (unpublished document).
- 9 It is interesting to note in this context the acknowledgements given by Murray Straus on his 1989 presentation to the American Society of Criminology entitled Assaults by Wives on Husbands: Implications for Primary Prevention of Marital Violence. He thanks Kersti Yllö, among others, for their "help provided by the comments and criticism" on the work given in the Laboratory's Seminar. He goes on to state that "their assistance does not imply agreement with the contents of this paper."
- 10 Yllö K. and Bograd M. (eds.) Feminist Perspectives on Wife Abuse Sage Publications Calif. © 1988 pg. 29 This book carries a dedication to "the women and men who are putting feminism into practice in the struggle against violence against women."
- 11 The work of 'Left Realist Criminologists' has been notable in this regard. At the 1990 American Society of Criminology meetings Martin Schwartz and Walter DeKeseredy delivered a paper entitled Strengthening Critical Feminist Voices in the Wife Abuse Discourse Through Newsmaking Criminology (unpublished document) in which they argued that Straus' "denial of self-defense motives in female to male violence" was evidence of a profound anti-feminist stance and further that 'news making criminology', from a feminist perspective, had to be provided in order to counter balance work which provides "ideological support for sexist policies". DeKeseredy argues elsewhere, in Confronting Woman Abuse in Canada: A Left Realist Approach Paper presented at the 1989 Canadian Learned Societies Conference, Victoria (unpublished document), that the knowledge used to provide the basis for this 'news making criminology' is to be gained by the use of victim survey technology. Of course, it is victim survey technology with a difference since it is 'left realist' and DeKeseredy sites with enthusiasm the Islington Crime Survey in this regard and certain changes are suggested for the realist local victim survey to be applied in the Canadian context.
- 12 Gelles R.J., The Violent Home, Sage Publications, Calif. © 1987 The author dedicates this book to his wife and father.
- 13 *ibid.* pgs. 6-7 In fact, it was impossible to argue in 1975 that wife abuse was an infrequent problem brought about by pathological personalities simply because feminist practice, such as the establishment of women's refuges and crisis hotlines, had made such a position untenable.
- 14 *ibid.* pg. 5
- 15 Costa J.J., Abuse of Women: Legislation, Reporting, and Prevention, Lexington Books, D.C. Heath and Co., Lexington Mass. ©1983
- 16 The Dobashs also lacked much concrete information about refuges when they reported, in 1987, that by "1982 there were 719 shelters affiliated with the National Coalition Against Domestic Violence in the United States. On average these shelters serve about fifteen women

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- and children who usually stay about two weeks." They also reported that some states (they did not say which) were most ingenious in obtaining funding by instituting a tax on the marriage licence. According to them "not only does the tax provide a stable source of funding for some shelters, it also makes a powerful political point about one of the causes of the violence." Dobash R.E. and Dobash R. P. 'the Response of the British and American Women's Movements to Violence Against Women' in Women Violence and Social Control J. Hanmer and M. Maynard (eds.) Macmillian Press, Basingstoke, © 1987 pg. 171-72
- 17 Hotaling, G., Finkelhor, D., Kirkpatrick J., and Straus M. *Coping with Family Violence; Research and Policy Perspectives*, Sage Publications, Calif. © 1988
 - 18 op. cit. Yllö and Bograd, 1988 pg. 21
 - 19 Habermas, quoted in Ptacek J. 'Why do men batter their wives?' in Yllö K. and Bograd M. *Feminist Perspectives on Wife Abuse*, Sage Publications , Calif. © 1988 pg. 155
 - 20 ibid. pg 155
 - 21 ibid. pg. 155
 - 22 ibid. pg. 156
 - 23 Buzawa E.S. and Buzawa C.G. Domestic Violence: the Criminal Justice Response, Sage Publications New York and London © 1990 pg. 76
 - 24 quoted in ibid. pg. 77
 - 25 Schechter S. 'Building Bridges Between Activists, Professionals, and Researchers' in Yllö K. and Bograd M. Feminist Perspectives on Wife Abuse, Sage Publications , Calif. © 1988 pg. 306
 - 26 ibid. pg. 307
 - 27 ibid. pg. 308
 - 28 ibid. pg. 309
 - 29 ibid. pg. 311 She goes on to say that social scientists should "defer to activists in any public hearings in which the research findings are turned into social policy recommendations"
 - 30 op. cit. Hotaling et al, 1988 pg. 15
 - 31 Dutton D. The Domestic Assault of Women: Psychological and Criminal Justice Perspectives, Allyn and Bacon, Inc. Mass. © 1988 pgs. 167-178
 - 32 I will not dwell on the methodological assumptions of these studies here, although a thorough critique of such is in order. One point which can be mentioned is that, coming from a social-psychological perspective, Dutton's sources tend to leave out questions related to broader structural concerns relating to race and class. Such considerations are particularly relevant in a Canadian context where the processing of family violence cases through the criminal justice system involving Native North American Indians is achieving greater prevalence. There are other methodological considerations to be made, particularly with regard to the generalizability of these researchers findings.
 - 33 op. cit. Dutton 1988, pg. 179
 - 34 ibid. pg. 179
 - 35 ibid. pg. 179
 - 36 Dunford, F.W., Huizinga, D., and Elliot D.S., 'The Role of Arrest in Domestic Assault: The Omaha Police Experiment' *Criminology* 28 (2) : 183-206
 - 37 ibid.
 - 38 Lawrence Sherman revealed this to an audience at the American Society of Criminology Meetings in 1990 although he declined to give any details on the conduct of the experiment. Written versions of his paper were apparently not available.

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- 39 Langan P.A. and Innes C.A., "Preventing Domestic Assault Against Women' *Bureau of Justice Statistics Special Report*, U.S. Department of Justice, 1986
- 40 'Police Responses to Domestic Violence' in *A Scientific Approach to Improved Policing*, published by the American Police Foundation.
- 41 *ibid.*
- 42 Garner J. and Clemmer E. 'Danger to Police in Domestic Disturbances - A New Look' in National Institute of Justice Research in Brief, Nov. 1986
- 43 According to the secondary analysis the confusion stemmed from the initial failure to distinguish between various types of 'disturbance' call, so that true 'domestic violence' was counted in with other 'disturbance' calls not involving family members. This homogenization of the variable inflated the view of statistics regarding husband-wife violence. According to NIJ figures, when the two types of 'disturbance' calls are distinguished, over the twelve year period 1973 to 1984 police officers suffered 1,237 felonious deaths of which 69 were recorded as occurring during the handling of domestic disputes, 151 occurred during 'other disturbances' and 162 occurred while dealing with traffic offences. See *ibid.*
- 44 International Association of Chiefs of Police 'Training Key # 246: Investigating Wife Beating. (Gaithersburg Maryland: IACP.) 1976
- 45 Straus, M.A. Gelles, R.J., and Steinmetz S.K., *Behind Closed Doors: Violence in the American Family*, Anchor Books, New York, N.Y. © 1980
- 46 *op. cit.* Garner and Clemmer 1986
- 47 Holmes W. M. 'Dangerousness of Domestic Violence', a paper presented to the American Society of Criminology 1990 (unpublished document). The funding for the study (U.S. \$27,000) on which this paper was based was provided by the U.S. Bureau of Justice Statistics.
- 48 *ibid.*
- 49 Gottfredson M.R. and Gottfredson D.M. Decision Making in Criminal Justice, Plenum Press New York, © 1988
- 50 'The Law Enforcement Response to Family Violence ' published by The Victim Services Agency, New York © 1988 No. 7
- 51 No details of 'dual arrest' rates previous to policy intervention have been made available, however, with respect to so called mandatory arrest laws these findings are not surprising. These legal innovations were brought about in an attempt to eliminate officer discretion in instances of domestic violence, compelling them to arrest where reasonable and probable grounds to believe an assault took place exist. The theory was that police officers could not be depended on to use their discretion in the best interests of the victim and, further, that arrest provided the best form of protection for victims of domestic violence. It is likely that, as the officers discretion *vis à vis* the 'primary aggressor' was eliminated, their willingness to see 'self-defense' was also diminished. Instead, the emergent attitude was "let the judge sort it out". On rates of dual arrest see: Epstein S. 'The problem of dual arrest in family violence cases' in The law enforcement response to family violence (Manual) New York Victim Services Agency © 1987
- 52 Adams, D. 'Treatment Models of Men Who Batter; A Profeminist Analysis' in Yllö K. and Bograd M. Feminist Perspectives on Wife Abuse, Sage Publications , Calif. © 1988
- 53 *ibid.* pg. 178
- 54 *ibid.* pg. 180
- 55 *ibid.* pg. 183

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- 56 *ibid.* pg. 186
- 57 *ibid.* pg. 191
- 58 'Integrating Feminist Theory and Practice; the challenge of the Battered Women's Movement' in Feminist Perspectives on Wife Abuse Yllö K. and Bograd M. eds. Sage, © 1988 The idea that such programmes make violent men safe to leave was mentioned in debate by Rebecca Dobash, but, to date, has not been documented.
- 59 Buzawa E.S. and Buzawa C.G. Domestic Violence; the Criminal Justice Response, Sage Publications New York and London © 1990 pg. 130
- 60 Text of a speech 'Resources for Abused Women ' given at the Crime and Policing Conference: 1992 a Global Perspective, given at Islington Town Hall Nov. 22-27, 1990. (unpublished document) Readers should note that the population of Canada is approx. 25 million. Figures with respect to refuge funding in Canada are all quoted in Canadian dollars.
- 61 Ursel J. E., 'Considering the Impact of the Wife Abuse Movement on the State: The Example of Manitoba' a paper presented at the Canadian Association of Sociology and Anthropology Meetings held in Victoria 1990 (unpublished document)
- 62 *op. cit.* Ursel 1990. pg. 11 She points out that "it is worth noting that Manitoba is merely a specific example of a more generalized trend throughout the country to increased state involvement in the issue of wife abuse. In 1984 James Browning reported that there were 160 shelters in Canada and 24 treatment programs for batterers. Four years later the National Clearing House reported that the number of shelters across the country had increased to 392 and the number of treatment programs had increased to 114. In addition in 1985 the federal Government announced a \$40 million [Canadian] commitment over five years to address the issue of family violence. Half of this fund was to be allocated to finance wife abuse shelter facilities through Project Haven a CMHC program. Thus while the analysis of changes within Manitoba are specific to that Province they are also indicative of a broader national phenomenon."
- 63 Readers should keep in mind that the entire population of that Province was only just over one million in 1985.
- 64 *op. cit.* Ursel 1990 pg. 14-15
- 65 *ibid.* pg. 18
- 66 Alarm was created when the Manitoba Committee on Wife Abuse demanded that staff and volunteers sign an oath of allegiance. At that point part of the staff and all of the volunteers resigned. Several months later government funding was terminated. (Ursel 1990)
- 67 *ibid.* pg. 18
- 68 *ibid.* pg. 5
- 69 Currie D.H., 'Battered Women and the State: From the Failure of Theory to a Theory of Failure' in *The Journal of Human Justice*, Vol. 1 # 2, Spring, 1990.
- 70 *op. cit.* Currie 1990 pg. 92
- 71 McGillivray, A. 'Battered women: Definition, Models and Prosecutorial Policy' in *The Canadian Journal of Family Law* Vol. 6, 1987 pg. 23 Some of the findings of the Omaha domestic violence experiment provide similar empirical evidence.
- 72 See: MacLeod, L., Battered but not Beaten: Preventing Wife Battering in Canada, Ottawa: Canadian Advisory Council on the Status of Women, © 1987. Ursel notes with some considerable irony that academic feminists who make these complaints are the very ones who train the 'professional feminists' in Women's Studies Programs at Universities across Canada.

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73 op. cit. Currie pg. 91

74 op. cit. Currie pg. 89

75 *Vancouver Sun* , Friday May 4th, 1990

76 The battered woman syndrome defense *per se* has, to date, not been used successfully in the United States. In fact, evidence of battering is frequently suppressed in such murder trials because of the fear that it may provide evidence of a prior motive and hence lead to a charge of premeditation. Defences built around the notion of 'self-defence' or 'temporary insanity' have been attempted with varying degrees of success, however. See: Edwards S.S.M. Policing 'Domestic' Violence, Sage Publications, N.Y. and London © 1989 pgs. 189-191

Early one mornin' while making' my rounds
I took a shot of cocaine and I shot my woman down
I went right home and I went to bed
I stuck that lovin' .44 beneath my head
Got up next mornin' and I grab that gun
Took a shot of cocaine and away I run
Made a good run but I run too slow
they overtook me down in Juárez Mexico
Laid in the hot joint takin' the pill
in walked the sheriff from Jericho Hill
He said Willy Lee your name is not Jack Brown
Your the dirty hackett shot your woman down
I said oh yes my name is Willie Lee
if you got a warrent just read it to me
I shot her down because she made me slow
I thought I was her daddy but she had five more
When I was arrested I was dressed in black
they put me on a train and they sent me back
Had no friend for to go my bail
they stuck my half dead carcass in the county jail
Early next mornin' about half past nine
I spotted the sheriff comin' down the line
He coughed and then he cleared his throat
said come on you dirty hackett to that district court
Into the court room my trial began
where I was held by twelve honest men
Just before they started out
I saw that little judge commence to look about
In about five minutes in walked the man
he held the verdict in his right hand
The verdict read in the first degree
I shouted Lawdy Lawdy have mercy on me
The judge he smiled as he picked up his pen
Ninty-nine years in the Folsom Pen
Nine-nine years underneath the ground
I can't forget the day I shot that bad bitch down
Come on you men you gotta listen unto me
Lay off that whiskey and let that cocaine be

Johnny Cash

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Introduction

Discourses on violence within the family have certainly shown remarkable growth over the last two decades. The discourse of social science has grown voluminous and beside it feminist inquiry has been no less vigorous. There is an important difference between the two. Feminist inquiry, held together by the cognitive glue provided by the concept of patriarchy, has tended to be the work of individuals, or loosely affiliated networks of individuals, and its progress, particularly with regard to policy implementation, has suffered because the work has been pejoratively labeled as 'political' or 'ideological'. In contrast, inquiry made by 'pure' social science researchers, perhaps best exemplified by the Family Research Laboratory at the University of New Hampshire, has actively cultivated a language of 'objectivity' and has followed a fairly well defined research agenda organized around a division of labour not dissimilar to that of the 'hard' sciences.¹ This appearance of objectivity, very often explicitly contrasted with the 'political nature' attributed to feminist work, has facilitated the incorporation of this body of knowledge into the policy making process.

It has been shown in that, in the North American context, it is possible to make the distinction between 'pure' and 'feminist' approaches to social scientific inquiry, although the boundaries are frequently blurred and the differences are often contingent only on the conceptual categories employed in theorizing. In contrast, most of the social scientific discussion on the topic in the U.K. has actively embraced feminist theory and method. It is perhaps because there has been no inquiry into the phenomenon of violence in intimate settings purely based in a discourse of social science,

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that there has been no equivalent of the U.S. National Survey on family violence, nor has British sociology utilized the conflict tactics scale or similar measurement instrument.² Then too, much of the research in the U.K. into what has been variously conceived as 'domestic violence', 'woman battering' or 'wife battery' (but not, it seems, 'family violence') has been the almost exclusive preserve of women and this has led to the complaint, within criminology, that it has been marginalized as a women's issue.³

All of this is not to say that the British discussion about violence against wives have been universally couched in feminist terms, for example, much of the discussion within the police organization has dealt with the issue in the terms of community policing, professionalism and operational efficiency. This thesis has traced the police policy development regarding domestic violence and special effort was taken to show how social science contributed to that policy formation. In doing so it was shown that British social scientific inquiry into domestic violence is not simply derivative of debates in North America. The difference in approaches to social inquiry on opposite sides of the Atlantic created the space for an international trade in knowledge about the issue, particularly as it informed police practice. Documenting this trade has been one of the principle tasks of this thesis.

This thesis has also sought to retrieve the history of refuges in some detail. Although it was not feasible to develop a systematic and in depth analysis of the refuge movement and refuge provision on a trans-Atlantic scale, an historical overview of North American developments was provided. The British movement has been examined in detail and its relations with social science, the local state, the police and other agencies were discussed. In relation to social scientific work on domestic violence it

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was shown that, fairly early on, social scientists allied themselves with refuge activists to promote provision of these services for victims of violent men. This unity was fragmented during the mid-1980s and much of the social scientific analysis branched out to examine other areas of practical intervention, in particular, although not exclusively, policing. Through this, the refuges continued to struggle, with some limited success, to maintain themselves as a distinct and autonomous infrastructure providing support for battered wives and, often as not, their children.

The task of this chapter is to pick up the threads of discourses on domestic violence from where they were left in 1987 when the issue became a force priority for the London Metropolitan Police. The work of social scientists, most of whom worked under the label of feminism, will be summarized first in order to map out the terrain of the academic debate. The concerns of refuge activists will also be outlined, in particular with regard to the importation of treatment models for men who batter, but also, a general overview of the state of the movement will be provided. This will include some details of provision of primary resources for victims as well as reactions to official government pronouncements. Also to be discussed are the articulations of some ethnic minority women who became increasingly organized and vocal on this issue during the later part of the decade.⁴ Their contributions to the public debate tended to be highly critical of criminalization as a social response to the problem of domestic violence and raise important questions about policing domestic violence. A discussion of the views of organizations who represent ethnic minority women, then, will lead back into a consideration of the issue as it relates to the police organization.

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In this chapter I will describe the state of flux around the issue of domestic violence at the end of the 1980s. As with the previous chapter, this summary will attempt to offer some insight into possible future directions and manifestations that the issue may take. Since the primary thrust of this thesis has been to show how, and in what way, this issue came to be one for the police institution, it is fitting that this account end by considering policing in this area.

British social scientific debates on domestic violence at the end of the decade

Virtually all of the research on domestic violence conducted in the U.K. has been carried out by women, and much of the research has operated with some notion of patriarchy. The publication of *Women, Violence and Social Control* in 1987 presented a wide spectrum of the debates on the issue and analysis of the views offered therein allows much of the terrain of the social scientific debate to be mapped out. Contrasting the research with work conducted in the U.S.A. two points can be made. The first is that quantitative methodologies were much less influential in Britain. While lack of definitive quantitative evidence of the incidence of domestic violence was occasionally bemoaned, it did not lead to an interest in developing survey instruments for generating such estimates. Rather, the focus was on improving the collection of official statistics in order to improve estimate of 'the size of the problem'.⁵ Some of the social scientific inquiry took an 'action research' approach, seeking to actively engage with the provision of services in certain localities. Other researchers used qualitative methods of data gathering, focusing on small samples and amassing a depth of detail about women's experience of male violence.

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These research practices have had practical consequences for the mode of theorizing.

The second point is that, because there were less resources put into quantification of the size of the problem, knowledge of the historical dimensions of the problem achieved relatively greater attention in Britain. British commentators' sense of history gave a different tenor to the discussion from that of the American debates, the most influential of which tended to focus on data derived from the 'here and now'. Many of the British writers on the subject made it explicit that the issue was part of women's politics a century ago and, again, this has had consequences for the theoretical development in Britain.⁶

Women, Violence and Social Control makes important empirical contributions to the study of men's violence against women. One chapter, provided by Jill Radford, gave findings from a survey of women's experiences of male violence in Wandsworth. This was, in part, a replication of an earlier study in Leeds conducted by Hanmer and Saunders (see Chapter Four). Radford began with the assertion that "men's violence to women is a political issue, expressing the basic power relations of patriarchy by maintaining and reproducing men's dominance and women's subordination"; a somewhat starker theoretical formulation than that advocated by feminists in North America.⁷ Radford's primary accomplishment was to provide many vivid accounts of women's experience of male violence, as well as its policing, using their own words. Her findings showed that male violence, in its broadest definition, is experienced by women on an almost daily basis. In presenting what her subjects have to say about their experiences, Radford showed how the ubiquity of male violence affects women's daily lives.

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Liz Kelly's contribution to the volume provided excellent accompaniment for Radford. She was also broadly concerned with women's experience of sexual violence and her experiences working in refuges with victims prompted her to introduce the concept of 'the continuum of sexual violence'.⁸ This was a powerful addition to the feminist conceptual armoury that allowed all forms of male violence experienced by women, from 'normal' sexual harassment on the street to more life-threatening forms of aggression, to be analytically connected. The concept was the very antithesis of a concept like the conflict tactics scale. Kelly pointed out that "the basic common character underlying the many different [violent] events is that men use a variety of forms of abuse, coercion and force in order to control women."⁹ Such a concept also allowed for the fact that there is no clearly definable analytical categories into which women's experience of male violence could be placed.

From the perspective of these researchers it was difficult to imagine using the existing structures of social control to address women's victimization since, according to their reasoning, such structures were predicated on patriarchal assumptions. Their objection was not a blind theoretical assertion either. Rather, it was based on empirical data which showed the difficulties an essentially masculine police force has in recognizing women's experience of male violence. For example one research subject stated:

I was flashed by a man who was following me. I just carried on, pretended I'd not seen, but it was disturbing. I met a policeman and told him and even pointed to the man. The policeman just looked at me. They give you too many of those looks.¹⁰

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Women's experience of the policing of such violence is further elaborated in this more lengthy quotation:

My husband and I have been divorced for some time now. I had to go to Women's Aid because of his violence and he'd started to batter the baby who was a few weeks old. One evening last month, I came out of my front door with the baby . . . He suddenly materialized from behind the hedge and snatched the child and threw a carton of orange juice on my hair and tried to make off. I snatched the child back and got kicked a lot. I managed to get him and rushed down the street to the phone box. I rang the police. They told me to stay in the phone box until they came - that was 45 minutes later. I got into the police car, one said, 'Don't be sick in my car'. they took me to a friend's house and dumped me there without checking she was in. They wouldn't take me to my sister's, they said it was too far. As it happened my husband was there, upstairs in my friend's house, looking out the window. So I just had to walk back home feeling terrible. I've had lots of problems with him on other occasions too, with him prowling around the house and posting letters saying he'll kill the children. The police don't usually come, they say it's 'domestic'. I'll try one of those injunctions, I don't suppose it can make things worse, it might help, you never know.¹¹

Radford ended her contribution with a prescription for action. According to her "the best way forward may be to continue to concentrate on drawing positively on women's energy and support, as evidenced in the activities of Women's Aid, Rape Crisis Centres, Incest Survivors and Women Against Sexual Harassment groups.¹²

Elizabeth Stanko's contribution to the discussion was also informed both by an understanding of the history of the issue and a concern for women's interpretations of male violence. In an earlier project she had explored how women make sense of male violence towards them, noting:

Understanding what it means to be female within contemporary British and American societies is understanding the meaning of male violence in

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women's lives. Many women's lives, in fact, revolve around strategies to avoid men's threatening, intimidating, coercive or violent behaviour. Contemporary feminists, not unlike their nineteenth century sisters, have uncovered widespread experiences of male violence among women. Efforts to assist women affected by rape, incest, wife battering, or sexual harassment have led these feminist to see the endemic nature of men's threatening or violent behaviour in many of women's everyday interaction with men. Yet there is a stony silence surrounding incidents of male violence. It is because women who encounter men's threatening, intimidating, coercive or violent behaviour are suspected of being 'unrespectable'.¹³

According to Stanko the problem of male violence is frequently reconceptualized as a problem of women's respectability. She noted that this same problem confronted women struggling against male domination in the 19th century. Her empirical work showed how inquiry by the criminal justice system involving, as it usually does, male police, judges and prosecutors, handled men's 'indiscretions'. Her use of the word 'indiscretion' was deliberate. According to her analysis, the process of inquiry engaged in by the Criminal Justice System could be considered a form of secondary victimization in which women's 'respectability' is on trial rather than men's violence towards them. She noted that:

the trial procedure is particularly upsetting because it is here that she confronts her assailant, endures cross-examination by a defence attorney and experiences a publicly embarrassing and traumatic situation . . . women's fear of court then takes its nourishment from the same ingredients as their fear of men's threatening, intimidating or violent behaviour on the street: women know that it is possible to have their account of their experience twisted around . . .¹⁴

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By 1987 Stanko's interest focused more directly on the policing of male violence against women, especially domestic violence. Her scepticism about policy decisions made by senior police officials was evident. Making use of the sociological literature on the police organization she showed that effecting change in police procedures is very complex, involving more than new training programmes. In particular she noted the need to encompass alterations in the system of internal rewards and inducements for front line police officers. She considered that, without this fundamental change, police officers charged with implementing new policy would not experience a shift in attitudes such that violence towards women could be perceived as criminal behaviour.¹⁵ However, even if this shift could be engineered there were other problems, as she was quick to point out. Again using the police literature, she raised concerns about differential enforcement of the law in a society divided along racial, class and gender lines.¹⁶ She quoted Robert Reiner to the extent that: the pattern of discrimination [in a society] and the map of the population found in police culture are isomorphic. They are both interdependent and bound within the wider structure of racial and class disadvantage."¹⁷ She warned advocates of presumptive arrest policies that police had been shown to be less responsive to the complaints of low income, minority women.¹⁸ She also raised the possibility of police officers arresting both husband and wife, that is 'dual arrest', as a ploy by a male dominated police sub-culture to undermine the intentions of policy initiatives in the area.¹⁹ This was seen as an entirely undesirable outcome as it would rebound on the victims of domestic violence, making things worse for them rather than better.

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While Elizabeth Stanko's reservations about the criminalization of domestic violence were evident, this is not the case with Susan Edwards' contribution to the debate. Edwards began with similar assumptions; paraphrasing her: 'the unequal treatment of women is perpetuated through the sexist organization of society and its corresponding legal institutions'.²⁰ She went on to criticize the treatment of women victims in the courts, stating that "women's experience of the so-called remedies to violence within this context falls short of expectations."²¹ However, Edwards remained much more enthusiastic than her colleagues about the possibility of using the police to redress the violence and she upheld obligation of the police to provide protection. It was mentioned in chapter six that, by 1989, she was arguing that the criminalization of all cases of violence against women resulting in injury was the first step towards the abolition of domestic violence. She also claimed that this was a first step agreed on by feminists stating that:

In all such cases police should bring a prosecution regardless of the wishes of the victim . . . I would argue that the (civil) non-molestation injunction should be replaced by a criminal charge and prosecution.²²

Arguing from a socio-legal perspective, Edwards focused attention on the higher reaches of the criminal justice system, deflecting criticism from the police. With respect to the police she noted that "already the police training centres in England and Wales are putting considerable emphasis on training recruits as well as junior and senior police managers."²³ She applauded the commitment of the Metropolitan Police Commissioner, Peter Imbert, and quoted him to the extent that:

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the rise in the number of recorded sexual offences and domestic violence may be due, in part, to changes in police policy and procedure. We have sought to encourage victims to report these types of offences. In the past many such crimes were not notified to the police, and therefore have remained undetected. It is a reflection of the growing confidence in the police that victims are now coming forward and enabling us to take appropriate action and make more arrests than in the past.²⁴

While Edwards presented a positive picture of police action based on the pronouncements of senior police officers, evidence from research conducted closer to the front line tended to see less evidence of change. One example of contemporaneous research was the Hammersmith and Fulham Domestic Violence Project.²⁵ While these researchers were unable to interview any officers lower than the rank of Chief Superintendent, and these interviews tended to confirm Edwards' picture of changed police practice, the authors of that report noted that the "evidence suggests that the confidence expressed by the senior officers that things have improved since the introduction of the new force order does not correspond to the experiences of women in our sample."²⁶ While the sample of women drawn upon in this study was refuge based, giving rise to questions of generalizability, the evidence contained in Jill Radford's study, amongst others, also seemed to confirm this.²⁷

While there was no general agreement between the authors represented in this volume as to the efficacy of the Force Order pressure for institutional change within the police was kept up. Edwards, in particular continued to advocate strong police measures, including a rigorous policy based on arrest. She also advocated for reform in the higher reaches of the criminal justice system, noting that, under the Police

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and Criminal Evidence Act, spouses had become compellable witnesses. She quoted, with approval, Lord Edmund-Davies who stated that "it may well prove a positive boon for her to be directed by the courts that she has no alternative but to testify."²⁸ However, according to Edwards

The new provisions must be taken together with the impact the Crown Prosecution system will have on such cases. Following the Prosecution of Offences Act, 1985, it will be up to Crown prosecutors to decide whether a case should proceed or discontinue, what charges to bring and the mode of trial (Section 10{1}{a} and{b}). However, since it is up to the police whether to instigate proceedings, the discretion still lies with them. They may make decisions which go against the wishes of the victim and leave women more vulnerable to further abuse. However, without a corresponding confrontation of the sexist attitudes displayed by the police and the courts to female victims of assault any change in prosecution policy and arrest powers will be unlikely. So long as women are blamed for the violence they sustain, so long as some women are considered less worthy of protection on grounds of race, sexuality or class, and so long as violence towards women remains a male prerogative, women will be victims of repeated common assault and ultimately homicide.²⁹

New issues and old worries -the Refuge Movement at the end of the 1980s

Susan Edwards could not have predicted the furore over Michelle Renshaw's case, the first attempt to use the compellability clause of the PACE. Nor could Sandra Horley who, as we have seen, had campaigned consistently for the criminalization of 'domestic violence' since the early part of the decade, making her one of the more influential people in the British debate. It is important to assess her contribution at length because she was the most visible refuge based activist to put forward

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comprehensive suggestions for action. At the same time it is important not to ignore the viewpoint of the Women's Aid Federation, which did not always achieve harmony with those views expressed by the Chiswick spokeswoman.

In the wake of the Renshaw case, Sandra Horley put forth her own analysis of the problems of the court system. As always, her view was informed by what she knew about the situation in Canada. Horley explained that "what happened to Michelle Renshaw should not have happened" and that she was "sympathetic to Judge James Pickles' actions." Judge Pickles had told her that he was "anxious that women should be protected and that the men concerned should be dealt with properly" but that he could not do that "unless the women are courageous enough to come forward."³⁰ She went on to say that: "Judge Pickles believes the freeing of alleged batterers because the woman involved withdraws her evidence gives the message to violent men that they have the power not only to pressure their partners into silence but to manipulate the court as well. I agree with him."³¹ Her venom was reserved for assailants and she defended Renshaw's ambivalence saying that "a woman should not be blamed for changing her mind". What was needed was "to understand the pressures that make her do so and look for ways of removing them." This could be done best by professional victim's advocates. Drawing on her knowledge of Canadian initiatives, Horley described the role of Victim Witness Coordinators there:

They explain the court process and legal terminology; they can take a witness on a pre-hearing visit to the court to show them where the participants will be; and they can liaise with the medical and legal services.³²

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She stated further:

In Canada, when judges were given powers to order witnesses to gaol until they decide to testify, the number of women coming forward did not decline but the withdrawal rate did - because of the Victim witness support. If women were given such support in Britain and the public also knew that women would be compelled to give evidence, I believe that, alongside a rigorous arrest and prosecution policy, incidents of domestic violence would fall dramatically.³³

According to Horley, in the final analysis, the problem in the Renshaw case was not compellability but the lack of support services for victims. Six months later she was able to outline the details of a case in which Section 23 of the Criminal Justice Act was invoked for the first time. This section made it possible for a written statement given to a police officer to be admissible as evidence in court even when the person who gave the statement was not present. According to the terms of the act, such evidence could be considered the primary evidence when the victim is one who "does not give oral evidence through fear or because he (sic) is kept out of the way."³⁴ Horley reported on an instance where a man was convicted and sentenced to six months (reduced to three months on appeal) for assaulting his wife. According to her "neither the police, the crown prosecution service, the defending barrister or the judge seemed to have found any impediment to proceeding with the trial without the presence of the prosecution witness." She noted, rhetorically, that the suspect received a relatively short sentence which would have provoked public comment had the case been between strangers. The primary lesson she drew was that a more pro-active role by the court system would not

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provoke a hostile reaction by either the public or the people in the legal system.³⁵

Sandra Horley advocated increasing the amount of resources targeted on men's violence, but she also argued against offering treatment for men who batter. Reports of a counselling programme called Men Overcoming Violence (MOVE) began to seep into the press in 1989.³⁶ It was reported that these counselling programmes had received some cautious support from refuge workers. Gaye Gerrard, one of the women who ran Bolton's Fortalice Refuge, went on record as saying that "after 12 years of working with battered women she had come to the conclusion that, although she and her colleagues can offer temporary respite and care to the women, they are unable to bring about lasting change in the men." It was revealed that Fortalice had a working arrangement with the MOVE scheme and that spokespersons from both "believe that by operating side by side they have the first real chance of ending the violence." Spokesmen from the MOVE scheme stated that the success rate for the counselling was 60%, but the reporter cautioned that there was no way of independently evaluating this estimate. However, "the feeling that the idea is at least worth giving a chance is backed by those working at the women's refuge at Bolton." The report ended by saying that:

for 11 years of dealing with the problem it was just like putting ointment on the wound," says Ms Gerrard. This is the only glimmer of hope for a real change.³⁷

Sandra Horley let her reservations be known very quickly. In a letter to *The Independent*, printed five days later, she stated that "the Bolton group's estimate of a 60% success rate is grossly optimistic" and that "even

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Canadian therapists (where there are over 100 programmes in operation) are having severe misgivings about the effectiveness of their work with batterers."³⁸ She added that, in Canada, owing to a rigorous policy of arrest, domestic violence had been reduced by 25%.

The debate did not end there. The next round was in *The Times*. There, below two photographs, one of an earnest looking bespectacled man identified as Adam Jukes and the other of a serious and scowling Sandra Horley, a full page article began by revealing that:

The police, so often the butt of criticism from the victims and their champions, are actively re-working their approach to "domestics". But the new slant on an old problem, and one that is meeting with opposition from some workers in the field, is help for the perpetrators rather than the victims.³⁹

Adam Jukes, a psychotherapist, had started a 'Men's Centre' in North London where he and a team of other professionals had begun counselling men who batter in 1988. Jukes described his approach as 'pro-feminist' and built on a foundation of Kleinian psychoanalysis.⁴⁰ The techniques used ranged from getting the batterers to keep diaries, to role playing and re-enactment of tense situations and something which Jukes called a 'tough love approach'.⁴¹ This was aimed at altering the male gender identity which, according to him, is formed, at least in part, by an 'exorcism' of feminine traits such as vulnerability, dependence and neediness.

It was also revealed that the Dobashs had also become involved in bringing counselling programmes for men who batter to Great Britain. *The Times* informed its readership that Rebecca and Russell Dobash had been awarded a £250,000 urban aid grant from the Scottish Home and Health Department to establish a programme in Scotland. The Dobashs wished to

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see court mandated programs set up, where men would be compelled to attend.⁴²

Sandra Horley was quoted in the same article as saying:

We are not ready for this yet, in my view. It's a distraction. It's almost as if we're saying the men are sick, not criminals. Many men get angry and frustrated but they don't use violence to control women. Why do we feel we have to provide this help? Is it to assuage our guilt? We don't do it for any other sort of crime.⁴³

Again, Horley drove home the point that, in Canada, a rigorous arrest policy had lowered the rate of domestic violence by 25%. She advocated television and radio commercials emphasizing that wife beating is a crime and telling women where to go for help. Her desire for criminalization was reinforced by Assistant Chief Constable for South Wales Police, Alan Bourlet, who was reported to be helping many police forces establish a code of practice for dealing with domestics.

Sandra Horley explained her position again in March.⁴⁴ According to her analysis, woman abuse occurs on such a massive scale that it should be viewed as a social rather than as an individual problem. She intimated that a shortage of resources meant that counselling programmes for batterers were a luxury.⁴⁵ Instead of such programmes she argued that resources should go into a 'National Family Violence Clearing House' which would centralize and co-ordinate statistics and records and monitor research and developments. She ended with the worry that this was not an immediate likelihood and, further, that:

government proposals to change the way board and lodging benefits are paid will force many of Britain's refuges to close at a time when we need more resources for women, such as housing, child-care, legal and medical services.⁴⁶

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Despite Horley's criticisms, it appears that counselling agencies for men who batter will continue to attract attention over the coming years. Early in 1991 one such group established 'The Everyman Line' a telephone 'hotline' service for violent men. The approach of the Everyman Centre is targeted at violent men specifically and seeks their participation on a voluntary basis, although the centre also welcomes referrals from other agencies. Currently, the organizers are cultivating ties with local housing and social service agencies as well as the police. These efforts are at the beginning stages, however, and it is difficult to say what impact they may have, either on the problem itself or the politics of the issue. There will soon be attempts to affiliate these programmes nationally.⁴⁷ The work of Rebecca and Russell Dobash in this area is also attracting considerable attention and, although many activists are critical of targeting resources on violent men in this way, it seems that this is indicative of a general trend in the social response to wife assault.⁴⁸

Treatment programmes for men who batter were not the only new initiatives attracting attention. In June of 1990 Home Office Minister John Patten made an announcement regarding domestic violence.⁴⁹ His idea was to initiate 'at risk registers' for battered women in the manner of those for abused children. The idea was criticized by Sandra Horley who said that "a woman labeled 'abused' is not a woman protected." To her it seemed ludicrous to create records of abused women and went on to say that "the truth is that the at risk registers are an irrelevance. If men who use violence are dealt with swiftly and publicly the first time they commit the crime, women wouldn't need their names on any police list."⁵⁰

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Patten made his announcement with much publicity in August 1990.⁵¹ The gist of his message was that police were going to be compelled to take domestic violence more seriously. According to Patten the police were going to have to give up their 'low key' approach to the problem, set up registers of women at risk and, wherever possible, arrest the alleged offenders. *The Independent* reported that:

He [John Patten] criticized the previous attitudes of police and society in general to the problem: With domestic violence we are where we were 10 years ago with rape." Today, all police forces take rape victims seriously, he said.⁵²

The announcement was greeted with some caution by representatives of the refuge movement. A spokeswoman for Woman's Aid said that while it was encouraging to hear government ministers speaking out on the issue women's shelters were constantly "full to overflowing and many are in permanent financial crisis".⁵³ Accordingly, what was needed was not a new policy, but more money for support services for victims such as crisis hotlines, refuges and second stage housing. However, the newspaper coverage tended to focus coverage on the police, in particular, more domestic violence units were called for.

Sandra Horley's analysis emerged in the Police Review where she advocated a cautious optimism. She pointed out that the idea of 'at risk registers' for women victims of violent men would "place an un-necessary burden on an overworked police force." She also stated that, although guide-lines had been given to Chief Police Officers no such statement had been issued to the Crown Prosecution Service which only meant that the police were "trying to contain the problem of domestic violence with one hand tied behind their backs", although she also reminded police officers

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about clause 23 of the Criminal Justice Act, which permitted "written evidence to appear in court where a witness is too frightened to appear."⁵⁴

In this article, Horley made it abundantly clear that she was in favour of criminalization however, most of the discussion was devoted to the need for refuge provision. According to her analysis, police action itself could not eradicate domestic violence and, with the heightened awareness of the issue, the numbers of women seeking assistance would rise. The real tragedy was that "we have only one eighth of the refuges required. The numbers of assaulted women seeking bedspaces exceed six times the available places." Again, she warned that:

Recently, there have been changes in the way the Department of Social Security pays benefits, for example, the withdrawal of accommodation payment for children over eleven has led to substantial loss of revenue. Many refuges may be faced with closure; as things are it will be impossible to cope with increasing numbers.⁵⁵

In general she welcomed the Home Office guide-lines but pointed to the need for more funding for both domestic violence units and refuges. She even went so far as to recommend that refuges and the police join forces to lobby for such funding.⁵⁶ "Meanwhile" she stated "I cannot emphasize enough the need to continue a rigorous arrest and charge policy."

By this time Horley had changed her argument somewhat. Five years previous her public pronouncements had been exclusively aimed at criminalization. Backed up with North American deterrence based research, she had campaigned tirelessly for an increased criminal justice response. By 1990 her position had shifted and, although criminalization was still considered central to her position, police action had come to share the stage with other methods of responding to the violence. She spoke

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publicly about a 'three pronged strategy' which comprised 'enforcement', 'prevention' and 'services'.⁵⁷ Enforcement concerned the criminal justice response and focused on a rigorous policy of arrest and prosecution, a line of reasoning she had been pursuing for some years. Prevention was considered a long term policy. Built on education, not only for school age children but also for professionals working in areas involving female victims of violent men and broad based public education through the media, it was intended to raise public awareness of the issue. Such awareness, based on a "policy of non-sexism and the challenging of traditional attitudes" was calculated to create a climate which fostered social change. According to Horley "preventing assaults stems future violence."

The third prong was, in many ways, the most important departure. This was targeted at services for battered women. Horley had begun to speak out publicly on the need for primary resources for battered women, re-emphasizing the role of the refuges in the overall response to the problem. She mentioned the current state of service provision in Canada:

Under the government policy to provide adequate emergency shelters (women's refuges), 22 million dollars of federal money has been allocated to build 500 new shelters this year. 25,000 more women will be able to find safety. Shelters have 24 hour cover, trained counsellors, child care workers (2 workers to 1 child) and outreach workers.

The Canadian government knows that confronting domestic assault stems the tide of human misery and material cost. This is why they can justify such massive spending. They can justify it because in the long term, costs will be reduced. By operating a progressive model, between 1986 and the year 2000 savings are estimated at just under 390 million dollars! And that is just for one province.⁵⁸

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While some of her figures may have been abstract, this did enable her to point out that the record with regard to refuge provision in Britain was not very good. According to Horley, fifteen years after the Select Committee on Violence in Marriage Report had made recommendations for minimum refuge provision, set at one refuge space per ten thousand population, British refuge provision stood at only 200 refuges nationally, about one eighth of that required. In November 1990 she pointed out that

In 1971, the world's first women's refuge was founded in Britain - we had the initiative then, but we failed to build on it. Last month, when Canadian refuge workers asked me what progress was being achieved in Britain, I have to admit, I felt ashamed.⁵⁹

There was much to be ashamed of. In 1989 a report had emerged detailing the state of refuge provision in London. This is the most comprehensive report on refuge provision available in Britain in the late 1980s and, unfortunately, it is confined to an assessment of the situation in London, however, some inkling of national provision can be extrapolated from the report.⁶⁰ Quantification from this report is somewhat problematic because not all of the forty refuge groups in London with houses responded to the request for information. This meant that the findings contained in the report were based on information from only 31 refuges, roughly three quarters of the refuges in Greater London. It was reported that:

30 refuges had a total of 389 women's bed-spaces and about 500 children's spaces. Of these totals, 3 Asian women's refuges had 21 spaces for women and 25 children's spaces Ujima, the black women's refuge has 6 adult and 9 children's spaces. There are probably about 525 adult spaces and approximately

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650 children's spaces in the whole of Greater London (figures provided by London Women's Aid) These are maximum amounts and refuges are severely overcrowded when these numbers are in residence.⁶¹

It was estimated that the refuges in London had 2300 women and 3400 children pass through per year. It was further estimated that individual refuges turned away between fifty and eighty five percent of the women requesting refuge. The report concluded that refuge provision needed to be increased sixfold.⁶²

It was also revealed in the report that, although conditions in refuges were very overcrowded, standards were high. This was primarily attributed to the high motivation of the work force which put in many hours of unpaid overtime. According to the report, salaries for workers in refuges ranged from £9,000 to £13,576 per annum, but an estimated 1,307 hours of unpaid overtime per week for the whole of the London refuge network contributed to the available labour power and lowered labour costs.⁶³ In addition, many more hours of unpaid work were carried out by volunteers. The dedication of these workers meant that the service available was of high quality, especially given the severe shortage of resources.

One of the central preoccupations of this report was racism. It was revealed that the refuge movement as a whole suffered from institutionalized racism. This was reflected in the relatively poorer services and lower funding available to ethnic minority refuges. Evidence of racism in refuges was also mentioned in the report. The commitment to overcoming these problems was evident. It was recognized that awareness

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of ethnic and cultural differences were central to offering a service to victims of male violence.⁶⁴

The centrality of racism in this report brings up another aspect of the public debate which was gaining increasing importance at the end of the decade. But, before turning to the subject of the politics of racism as it co-articulated with that of sexual violence, it should be mentioned that the fiscal crisis of local government brought about by the central government's aborted attempt to introduce the unpopular 'Poll Tax' and the consequent short fall of revenue in many localities exacerbated the funding shortfall experienced by many refuges. As of this writing, the London Borough Grants Committee has been unable to allocate funds for refuge provision in London. This has resulted in a severe crisis for refuge provision. Chiswick has made redundant all of its refuge workers and is only able to maintain its management infrastructure. Many other refuges are in danger of folding altogether. The future looks rather bleak for refuge provision in the British context, which is tragic since this is the only service which provides unequivocal support for women victims of male violence regardless of their circumstances.

Black Women and the issue of domestic violence

There was some ambiguity in how both feminist academics and battered women's advocates felt about the issue of criminalization. One of the areas of concern was the issue of racism. Elizabeth Stanko had alluded to the problems of policing in a society divided along racial, gender and class lines and specifically noted that black women could potentially loose out under a policy of rigorous criminalization.⁶⁵ Spokespersons from the

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Women's Aid Federation also made public their concern about the how they saw the issues of race, male violence and policing intersecting.⁶⁶

Black women have to deal with the racism of the police at the same time as coping with the emergency for which they are requesting help. Police racism can be compounded if the assaulted woman does not speak English. In addition, black women's groups have pointed out how the police may use a supposed response to violence against women in order to increase surveillance of the black community.⁶⁷

Other battered women's advocates, for example Sandra Horley and Susan Edwards, showed less public concern about these issues. Pronouncements documented elsewhere in this book in favour of criminalization made throughout the 1980s show this to be of secondary importance to them. The resulting balance achieved by these contradictory impulses amongst advocates for battered women was a broad tendency to endorse the notion that increased police involvement was desirable. There was an attempt at cooperation and mutual aid between all parties. Feminist researchers participated in domestic violence projects which also involved the police; sometimes in conjunction with local Town Hall administrations.⁶⁸ Refuge workers from Women's Aid attended multi-agency meetings organized through the auspices of community relations officers at Station level and police have sought to create links with refuges in a variety of locations with some success.⁶⁹

There were efforts by some black women to organize on the issue of violence in the home on their own behalf. The experience of ethnic minority people with regard to State involvement in the family violence had not been altogether positive and charges of racism were leveled

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against the police and other State agencies.⁷⁰ Women campaigning on the issues of racism and male violence at the same time walked a tightrope as is evident from the position articulated by Southall Black Sisters⁷¹:

On the one hand, we are involved in campaigns against police brutality, deaths in police custody and immigration fishing raids. On the other, we are faced with the daily beatings, rape and sexual harassment. We are forced to make demands of the police to protect our lives from the very men along whose side we fight in anti-racist struggles . . . both struggles have to be waged simultaneously without losing sight of the consequences each can have on the other. Our demands must take both struggles into account.⁷²

Feeling themselves marginalized both as women and as members of a subjugated ethnic group and confronting the police institution as an undifferentiated monolith their position came out sounding paranoid:

. . . we must recognize that the police force itself is becoming increasingly sophisticated in its operations and in setting its own priorities. It has taken upon itself the task of social control, and it has been campaigning vigorously for the powers and resources to carry out the task. It is our responsibility, in the light of our own experiences, to fight for the powers and resources of the police force to be redirected to meet our needs.⁷³

There were few Black female academics writing about the issue but, at the end of the decade, the most influential was Amina Mama.⁷⁴ Most of Mama's criticisms were leveled at Social Services. However, with regard to the policing of domestic violence, she noted that there was little need for increased police powers since the main problem appeared to be the refusal of police officers to use those sections of the law already open to them in domestic cases which were "thought not to be proper police work". One

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central concern for her, with regard to responses by State Agencies more broadly, were the consequences of immigration law. She was able to show that some husbands use the threat of deportation as a means to secure the compliance of their wives and, further, that the high priority that police placed upon uncovering immigration infringements affected how they proceeded in incidents involving ethnic minorities. As a consequence, many black women felt reluctant to call the police. Mama documented that black women approaching local authorities for help were being required to prove entitlement to provision before being eligible for assistance. In some cases, women were advised by social service workers to leave their husbands or risk losing their children; however, in some circumstances this meant that some women faced deportation by the Home Office. This had tragic consequences for mothers of British born children who, rather than face separation from their children, went back into violent households. Mama noted that autonomous refuges appeared to be the only form of unequivocal support available to women victims of male violence and applauded the WAFE's commitment to anti-racism. She also noted that the provision of such services was low.

Independent women's refuges, particularly for Asian women, had been established in several communities in Britain by the end of the decade, although similar resourcing problems to that of the WAFE, compounded because of marginalization due to ethnic or cultural differences, were encountered. Black women also organized on the issue of wife battery in other ways. For example, Southall Black sisters campaigned on behalf of Kiranjit Ahluwalia who was imprisoned for the 1989 murder of her husband Deepak Ahluwalia. This is significant because it represents the first political effort to invoke the so called

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'battered women's syndrome defence' in a case of spousal homicide in the U.K. On another front, Camden Black Sisters had, by late 1990, formed an informal network for intervening in family violence situations in order to circumvent the need for police intervention.⁷⁵

The involvement of ethnic minority women in the issue of men's violence produced contradictory impulses. On the question of State involvement in domestic violence, particularly with regard to the use of the police, ethnic minority women were unenthusiastic about pro-arrest policies. This is congruent with observations made to me by operational police officers that many ethnic minority women do not wish to involve the police.⁷⁶ It seems that the strategy of refuge provision is somewhat less problematic, although the murder of Blawant Panesar in an Asian Women's Refuge earlier in the decade also highlighted women's lack of safety and the continuing need for intervention involving, at times, the coercive power of the police.

Policing and domestic violence at the end of the 1980s

The concerns of ethnic minority women over the policing of male violence mentioned in the last section, seem to naturally bring the discussion back to consider the politics and practice of policing. In chapter five, the arrival of the issue of domestic violence on the police agenda was located at an historically low ebb for the legitimacy of policing. The question arises as to how police legitimacy has fared over the course of the decade since the Scarman report was conceived. As it turns out, developments in policing over the past decade, such as the adoption of

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community oriented policing strategies, efforts to professionalize policing and the targeting of new types of crime, for example racial harassment and domestic violence, appear to have done little to assuage relations between the police and public. While it is certainly true that the majority of the British public rate the general performance of the police quite high:

Three sweeps of the BCS and independent opinion polls reveal there has been a steady erosion of confidence in the police. Since the first BCS in 1982, the percentage of the public giving them the highest marks has dropped from 43 percent to only 25 percent. Only a few have ever given the police extremely low ratings, but enthusiasm for their performance has been on the wane. This decline can be observed among most major social groupings, in almost all kinds of communities and among crime victims.⁷⁷

Of particular relevance with regard to the policing of domestic violence, the British Crime Survey analysis revealed that, as a group, victims of crime coming into contact with the police exhibited a marked decline in confidence in them. This erosion of legitimacy, expressed as confidence in the police, has happened in spite of the declared determination of chief officers to improve the delivery of police services. For example John Newing, Chief Constable for Derbyshire, stated publicly in 1990 that:

I stand shoulder to shoulder with James Anderton when he said, in defining community policing, that when people are being beaten on the head what they want from police is *protection* ! . . . When women and girls are being raped and assaulted what they surly want is *protection* . . . crime has to be detected and criminals caught and secured and nothing must turn the police away from that . . . That is the reality of community policing.⁷⁸

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At the end of the decade, another attempt to articulate the community policing philosophy was made under the rubric of the 'Plus-programme'. This programme emerged in 1988 out of a report on the Metropolitan Police made by Wolff Olins. Corporate identity consultants were to lead the last attempt of the 1980s to realign policing around a more service oriented philosophy. Integral to the Plus Programme was the adoption of a "statement of common purpose and values" the text of which began to appear in foyer's of all Metropolitan police stations in mid-1990. It read:

The purpose of the Metropolitan Police Service is to uphold the law fairly and firmly; to prevent crime, to pursue and bring to justice those who break the law; to keep the Queen's peace; to protect, help and reassure people in London; and to be seen to do all this with integrity, common sense and judgement. We must be compassionate, courteous and patient, acting without fear or favour or prejudice to the rights of others. We need to be professional, calm and restrained in the face of violence and apply only that force which is necessary to accomplish our lawful duty. We must strive to reduce the fears of the public, and so far as we can, to reflect their priorities in the action we take. We must respond to well-founded criticism with a willingness to change.⁷⁹

The high ideals of the 'new' police philosophy, were contradicted by the reality of ground level policing. For example, Newing alluded to the scissure between the public and front line police officers when he stated:

... the people clearly favour the idea of community constables, patrolling on foot, with a caring approach and exercising discretion in enforcing the law. This is set against the firm, positive enforcement approach preferred by a majority of police officers.⁸⁰

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What Chief Constable Newing euphemistically referred to as the 'positive enforcement approach' preferred by most officers were precisely the same police practices which had engendered the 'crisis in confidence' of which he spoke. Throughout the decade continuing scandals, and reports of police wrong-doing and mismanagement seeped into the press.⁸¹ This suggests that, despite the efforts of top level police management, they were able to make little impact on the realities of ground level policing.

As was explained in chapter five, community policing became central to the police management agenda for organizational change during the 1980s. However, contemporaneous research did not reveal any deep changes in the orientation of front line policing. While officers performing community relations and crime prevention functions proliferated and, despite the desire of senior management to develop a new philosophy of policing, there was little indication that this had manifested itself in a change in practice. So, for example, Herman Goldstein, well known for his espousal of the 'problem oriented approach to policing', a policing philosophy which did entail a fundamental realignment of front line police practice, overthrowing the primacy of the arrest and clear-up rates as a measure of police effectiveness, noted that:

the present structure of the Metropolitan Police is probably out of step with the approach and its [the problem-oriented approach] adoption would involve risk taking and the abandonment of some of the traditional expectations of line managers.⁸²

Goldstein cited a number of characteristics of the Metropolitan Police that made the adoption of the 'problem oriented approach' or, one might add, any other re-definition of the police task involving realignment of the

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police function (for example towards 'social service policing') problematic.

The characteristics cited by Goldstein were:

- The process may be seen as being in opposition to the centralized policy making which is likely to dominate a Force as large as the Metropolitan Police.
- The Organizational structure, and its expectations of management may be in conflict with local problem solving.
- A Chief Superintendent's degrees of freedom are likely to be insufficient to support radical initiatives.
- As a result of rapid personnel movements, the divisional management team is so unstable as to defeat long term problem solving.
- Management communications are designed by "line" or "territory" - not by problem.⁸³

The findings cited by Goldstein had been first published in 1984. During the intervening years Metropolitan Police Commissioner Kenneth Newman and his successor Peter Imbert had made efforts to reduce the rigidity of the organization. Newman, in particular, had noted that there was a tendency to "try and cope with problems through superficial changes in the bureaucratic system, rather than looking for real solutions" and that "too much energy and effort are wasted in keeping the organization going instead of serving the mainline job of policing."⁸⁴ What was required in these circumstances was a substantial restructuring of the organization amounting to (in Kuhnian terms) a revolution. In response to this need police policy makers adopted the notion of community policing, initially propounded in this country by John Alderson. This notion expressed a desire for 'personalized service' which could not be fulfilled by the bureaucratic/professional model of policing. Community policing required

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a change in the use of the law, and in the standards used to apply the law, as well as changes in the 'contract' between the police and public. In addition, structural changes in the police organization, relating especially to the de-centralization and de-structuring of the hierarchy and a reconceptualization of such matters as training, recruitment, evaluation, promotion and rewards would have had to be undertaken. Any such change would be exhibited by a radical reformulation of the linguistic-authority-structure of policing.

Efforts intended to help accomplish this shift were numerous throughout the 1980s. In this regard Newing drew attention to Crime Prevention, Neighbourhood Watch and multi-agency initiatives as examples of changes in approach. In the same breath he also noted both new legislation and new types of crime. In this regard the Police and Criminal Evidence Act, the 1988 Criminal Justice Act, new firearms legislation and laws to control football hooliganism as well as the mandate to intervene in cases of child abuse and domestic violence were mentioned.⁸⁵ One could also add community consultative groups, lay visitor panels and racial violence to the list.

Despite these myriad changes the comprehensive structural reform implied by the notion of community oriented policing was not brought about. Indeed, the fundamental tension between 'hard' and 'soft' police roles that Scarman spoke of were never really reconciled. The notion of community-based policing was of limited utility in re-forming the Metropolitan and, by extension, the British Police, because it avoided recognizing that the central core of policing is the ability to use force in maintaining order and enforcing the law.⁸⁶ In so doing, the initiatives that characterized community policing: crime prevention officers; community

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liaison officers; and other specialized functions such as racial incident squads and domestic violence units, became separate units doing special tasks. This left the basic role of front line police virtually unchanged and front line police were able to view the roles performed by these specialist units as "not part of the job". In fact, the the practical initiatives of community policing served to reinforce the prevailing bureaucratic approach and the values of a military oriented professionalism, the very values that internal reformers were seeking to change in order to implement the community policing paradigm. In short, the traditional linguistic-authority-structure of policing was ratified by the entire process and no Kuhnian revolution was achieved.

What is evident from the field work portion of this study is that, with regard to domestic violence, for the ground level police officers the politically defined aim of the elimination of the problem of domestic violence was an unrealizable one, in part because of definitional problems of what constituted 'domestic violence'. To front line police officers, accustomed to viewing calls for service as varied as neighbour disputes, landlord tenant disputes and wife battery as 'domestics' it was never clear why disputes between husbands and wives should be elevated for special concern.⁸⁷

Such special concerns were seen as being 'just politics', so that, at the same time that police were being reprimanded for misuse of the law and for ignoring the maxim that 'a person is innocent until proven guilty', front line officers were also encouraged to adopt a policy of presumptive arrest in cases of violence between husband and wife. To operational officers this was seen as purely contradictory. As was shown in chapter seven, a policy of presumptive arrest was, to the police officers charged with

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implementing it, contrary to their way of framing the law. In order to dissolve this contradiction, a re-ordering of the police task, and a consequent reformulation of this linguistic framework, would have had to be undertaken. That is, a substantive definition of the problem of domestic violence would have had to have been developed and a realignment of what police officers would be expected to do in line with that definition would have had to be developed.

However, instead of bringing practical police intervention in line with the needs of a particular understanding of domestic violence, attention was devoted to 'how it should look on paper'. Experimental domestic violence units did make attempts to modify police practice resulting in some change in the linguistic-authority-structure for policing interpersonal violence as applied in those instances, but this was only marginally successful. What tended to be accomplished, instead, was a reification of the traditional analytical categories for policing interpersonal violence. As a consequence, the long term achievement seems likely to be the development of alternative objectives by officers working in this area. These alternative objectives, unapparent to outside observers, relate to the existence of a rank structured bureaucracy which provides the members of each unit with organizational goals, usually summed up in terms of arrest rates and clear up rates. The manufacture of these statistics, related in fundamental ways to survival and promotional prospects within the rank structure, becomes an abstract exercise where the achievement of parity between arrests rates for different types of crime (ie. arrest rates for domestics are 1% higher/lower than they are for burglary), and the manufacture of appropriately high clear up rates becomes the *raison d'être* of policing in these instances. This raises questions about the creation, reinforcement

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and eventual strengths of such units; for once a squad is set up and the statistical justification is passed on to the media, the police institution is provided with a rationale for further expanding its resource base. This has not escaped the notice of police policy makers. For example, Chief Constable Newing stated that the innovations which comprised the recent initiatives to overhaul the police organization, of which innovations in the policing of domestic violence was an example, were all "expected to be police led and have considerable manpower implications."⁸⁸

While progressive ideologies such as community oriented policing have served to secure the growth of the police organization they have helped less in regard to the legitimacy crisis. This rhetoric was designed to convince the public of 'effectiveness' by marshaling a language based on analytical categories which elicit the appearance of action. Such categories must also create the appearance of effectiveness. However, police policy makers only set a trap for themselves by building up public expectations about their ability to control crime.⁸⁹ This is particularly visible with regard to the policing of domestic violence as it was presented in the mid-1980s. Drawing on notions of the deterrence power of arrest, official policy served to create the impression that the police were in a position to intervene decisively in a wide spread social problem and this was widely advertised. While this may have had an immediate pay-off in terms of police public relations, the irony is that police pronouncements on the issue served to eclipse political pressure to provide primary resources to victims, that is the refuges and other services, thereby undermining the overall social response to domestic violence. By so doing, police undermined their own ability to respond, and to be seen to respond, to the problem. Police efforts to address the problem of domestic violence served

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to inflate victim's and, more broadly the public's, expectations. At the same time, a more circumspect assessment of the broad social response to the problem would have indicated that provision was, at best, stalled at a fairly low level of provision or, at worst, actually deteriorating. It is small wonder, then, that victims of crime indicated a decline in confidence in police services over the course of the decade.

The considerable rise in rates of reporting and clear-up rates for domestic violence were looked upon, by police management, as a sign of improvement in police practice. However, the death of a woman which took place in the Stoke Newington domestic violence unit on April 29, 1991 made it clear to refuge workers that the proliferation of domestic violence units and the innovations in the policing of domestic violence that had taken place over the decade did not herald any watershed in the history of men's violence against women.⁹⁰ While workers in the shelter movement and victims of domestic violence continued to draw on police services, in many instances positively, there remained much room for scepticism as police officers at every level in the organization continued to view the issue in terms of 'the figures'. At the same time that the figures were improving, given the entrenchment of the traditional linguistic-authority-structure for policing interpersonal violence, the police continued to provide a poor social service and inadequate, inappropriate and inconsistent law enforcement.

Concluding Remarks

The history of the issue of domestic violence continues to unfold. Currently, it appears that a new consensus, built around a new paradigm

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based on law enforcement combined with treatment for men who batter, is in the offing. This thesis has endeavoured to illuminate a complex political process whereby the social response to violence by men against women taking place in an intimate setting has been negotiated. That negotiation has not taken place between equals and it was shown that some have more power to define the problem than others. In terms of the current paradigm being presented to the public, it seems that intellectual communities founded on practices of law enforcement and psychological/medical practices are making the major contributions to the new vocabulary and that refuge based articulations are likely to have even less influence than in the past.

This is illuminating with regard to the sociology of knowledge approach developed in the first chapter. With regard to the establishment of linguistic-authority-structures it has been concretely demonstrated that such a bounded discourse need not have as its base a readily definable and unitary institutional base. In chapter six it was shown how such a bounded discourse, based on the deterrence value of an arrest response to calls for service involving violence between intimates, could be built up by individuals *between* institutions. Thus, social scientists, refuge activists, police policy makers, critics of the police, and other political pressure groups could all contribute to the forging of a specific version of a social problem.

The discursive practices of the social scientific community were of central importance in this. The primary contribution of social scientists to the development of the paradigm was the notion of the 'domestic violence incident'. This concept was the product of a specific research practice, that being the conduct of surveys of victims. The entrenchment of the category

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of 'incident' in the broad discourse about the issue of violence against wives was particularly important because it was covalent with how other social researchers, concerned with the practice of policing, as well as police practitioners themselves, conceived of interpersonal violence generally. This enabled the manufacture of an especially powerful version of 'what is to be done' emerging from research which utilized the experimental method. Various versions of deterrence based research were conducted, all based upon the notion that there were incidents of domestic violence which could be measured. Evidence of the possibility of controlling such incidents had a particular resonance when it reached the public, not only because the research conducted was carried out along lines laid down by 'hard science', and hence wore the shroud of objectivity, but also because the notion of the domestic violence incident was firmly entrenched in the vocabulary prior to the conduct of such experiments. The grand, conspicuous notions of 'arrest is best', 'booking has a bite' and 'deterrence' were so potent because of subtle, unrecognized analytical categories already embedded in everyday language which shaped people's perceptions.

Of course, not all investigators subscribed to this conception. Some work attacked the notion of the social problem as incidents of violence in a sea of otherwise tranquil normality. The feminist version of the discourse, pejoratively labeled ideological by those who propounded the scientific view, tended to advocate a process of empowerment of women in order to overcome what was seen as the ubiquity of men's violence to women. This empowerment, particularly in the early days of the discourse, was to be achieved through institutions like Rape Crisis Centres and Women's Refuges. The eclipse of this practice was conterminus with the rise to

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prominence of the notion of the domestic violence incident. As the notion of domestic violence incidents which could be measured, controlled, manipulated, and eliminated rose to prominence in public discourse the notion that women's experience of male violence as the experience of everyday violence was gradually, although not totally, submerged. The notion of protection slowly emerged in feminist discourse in place of the concept of empowerment as many began to see the problem in terms of discrete instances of male violence subject to targeted intervention.

Of course, social scientists were not the only contributors to the discourse, many others, including police policy makers and refuge activists, contributed to the forging of the criminalization paradigm. The relation between these different spokespersons is important because, while the hegemony of a particular linguistic-authority-structure may be achieved through articulations of many actors from many institutional sites, this does not necessarily imply conspiracy, or even agreement between these different people. The unfixity of meaning of abstract analytical categories guarantees that any linguistic utterance will say many things to many people. Thus, as was shown in Chapter Six, the emergence of the linguistic-authority-structure of the criminalization of domestic violence was brought about in the context of profound disagreement and the heightened political contestability of British policing. In this circumstance, competition, rather than cooperation, between actors on different sites of institutional power produced a bounded discourse about the nature of the appropriate social response to domestic violence.

All of the versions of the issue which contributed to the emergence of this bounded discourse purported to pursue popular goals presented as though the alternative were refusal to give the public what it wants.

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Authorities always expect the credit for their symbolic objectives, regardless of their actual accomplishments. Little surprise then, when domestic violence is 'prioritized' in a way that does relatively little to empower the victims themselves. The real alternative to symbolic official actions is not denial of popular goals, nor their redefinition, but their achievement in practice as well as rhetoric. The present, dominant linguistic construction of perception blurs recognition of alternative possibilities.

The obviation of alternative possibilities for the social response to domestic violence is nowhere more apparent than within the bounded discourse that circumscribes the actions of front line police officers. The process that produced the criminalization paradigm took little account of the discourse of operational policing. In chapters Seven and Eight the notion of bounded discourses was applied rigorously to data derived from the field work conducted within the police institution. Using the notion of a linguistic-authority-structure as a hermeneutic device, the patterned response of police to calls for service involving interpersonal violence was laid out and systematically deconstructed. The mutability of concepts was shown, but at the same time the structured nature of the police response was revealed. The limitations of this structured response were made evident primarily by showing how police officers attempt to think outside of the analytical categories of their intellectual community and also by showing police attempts at innovative responses to these calls for service. The shortcomings of the police response also tended to be confirmed by research conducted by sociologists studying victims of wife battery. Many studies cited in this thesis revealed perceptions of an overall poor police response held by victims of domestic violence.

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Any analysis which takes as its point of departure the changing, conflicting and problematic perceptions of reality remains within the classic terrain of the sociology of knowledge. Such an approach rejects what Neitzsche referred to as 'the dogma of immaculate perception'. It is an attempt to come to terms with the whole range of "alternative symbolic evocations."⁹¹ To paraphrase Murray Edelman, the lesson is that the fundamental influences upon political beliefs flow from language that is not perceived of as political at all. Accordingly, there "is a level of politics that conventional political science rarely touches, but one that explains a great deal of the overt political maneuvering and governmental action that focuses public attention."⁹² When social scientists became involved in the study of men's violence towards women they actively cultivated a language of objectivity, apparently rejecting political formulations of the problem. They would have done well to learn the lesson of Ivan in the Brothers Karamazov; that 'everything in this life is political'.

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- 1 In this respect it is interesting to note Finkelhor D. Hotaling G.T. and Yllö Stopping Family Violence Sage Publications Beverly Hills © 1988. The stated goal of this book was to "foster more and better research into family violence" In fact, Stopping Family Violence is an attempt to set the research agenda for research in the 'Family Violence' field for the 1990s. It contains over thirty research proposals, complete with research goals, design considerations, time scales and budget estimations. There were three different areas of research outlined: Physical Child Abuse, Child Sexual Abuse and Spouses Abuse. The authors noted that "some of the most serious obstacles to better research on family violence lie, curiously enough, not in the realm of resources or science but in ethical problems." (emphasis mine J.S. pg. 121)
 - 2 In Britain, estimates of 'the size of the problem' have all emerged from more general criminal victimization surveys. Thus, the British Crime Survey found that 10% of assault victims were women who had been attacked by present or previous boyfriends or husbands. Hough, J.M. and Mayhew, P., *The British Crime Survey; First Report* Home Office Research Study #76, London; HMSO ©1983. Estimates from the second sweep of the BCS indicate that one in eight incidents of assault involved family, lovers or ex-lovers; amounting to 200,000 incidents per year. Hough and Mayhew indicate that this is probably an under estimate. See Hough, J.M. and Mayhew, P., *Taking account of crime; key findings from the 1984 British Crime Survey*. Home Office Research Study # 85, London; HMSO © 1985. Other studies, such as the Islington Crime

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Survey have also provided estimates. Both sweeps of the British Crime Survey have been criticized by feminists for revealing low rates of women's victimization.

- 3 Edwards S.S.M. Policing 'Domestic' Violence: Women the Law and the State Sage Publications, New York © 1989 pg. 11
- 4 Terminology relating to ethnic origin is currently highly contested. An example of the contestability of categories relating to ethnic origin is found in the 1991 British census form which provided three categories of Black: Black African, Black Afro Caribbean and Black other; in addition to several categories for people from the Indian sub-continent and some, minimal, effort to distinguish between people from various parts of the Far East. In relation to the issue of domestic violence the categories of ethnicity are no less problematic. Rather than trying to resolve these issues, I will simply resort to common sense distinctions while attempting to provide clarity and avoid racial stereotyping. However, for an interesting and comprehensive discussion of the terminological debate see: Bowling B. 'Racist Harassment and the Process of Victimization: conceptual and methodological implications for the local crime survey' in Realist Criminology: Crime and Policing in the 1990s J. Lowman and B. Maclean (eds.) Vancouver: Collective Press © 1991
- 5 General surveys of victims of crime did seek to tap incidents of domestic violence, of course. However, it was widely acknowledged that, with the exception of the Islington Crime Survey, general victim surveys had not provided the sensitive interviewing techniques thought necessary to uncover a true measure of incidence. In this regard, the argument for a national family violence survey could have been made in order to obtain a broader picture of the problem, in particular, with regard to domestic violence in a rural setting. To my knowledge no such proposal was ever made. However, much of the feminist work desirous of a measure of incidence did call for improved official statistics. One of the more recent reports to do this is: McGibbon A., Cooper L., and Kelly L. "What Support?" The Final Report of the Hammersmith and Fulham Council Community Police Committee Domestic Violence Project, The Polytechnic of North London, 1989 pg. 6
- 6 It is not, of course, true to say that American research has totally ignored the historical dimension. Important contributions have been made. One obvious exception to this is the work of Susan Schechter discussed in chapter nine. Another important example of historical work is: Pleck, E., Domestic Tyranny: The Making of American Social Policy against Family Violence from Colonial Times to the Present, Oxford University Press, New York, © 1987. With regard to the notion, developed in this thesis, that the issue of wife battery has been 'translated' into an issue for policing, Pleck has noted that: "No social movement survives the process of community acceptance with all of its radical ideas intact. The battered women's cause had been considerably tamed by the coalitions and compromises it made in order to receive state and federal funding. Wife beating and rape became law and order issues. To be sure, there were some Victorian echoes in the periodic calls for the harsh punishment of perpetrators, although these cries for vengeance were considerably muted. Law enforcement agencies were concerned - as before - with strengthening their control over violent criminals. But the needs of women victims received a higher priority now than in the nineteenth century. Broadening the movement diluted its feminism and altered the character of battered women's shelters. The issue of wife beating has always had a protean character, appealing to divergent groups for different reasons. And yet the modern coalition of social casework, feminism, and law and order proved to be more successful than any preceding effort." pgs. 199-200

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- 7 Radford J. 'Policing Male Violence - Policing Women' in Women, Violence and Social Control J. Hanmer and M. Maynard (eds.) Macmillian Press, Basingstoke, © 1987 pg. 30
- 8 Kelly originally developed this concept in her doctoral dissertation. She makes it clear that the concept of a continuum is not related to a ranked hierarchy of violence with less severe forms of sexual harassment at one end and rape and sex murder at the other. For her all forms of male violence towards women are to be conceived of as a complex phenomenon and hierarchical ranking according to type would be to deny the subjectivity with which women experience male violence. The concept, as she conceives it, is related to the frequencies which women experience various forms of male violence. She stated, in her dissertation, that "every woman interviewed was aware of the threat of sexual violence and most had experienced sexual harassment, sexual assault and pressure to have sex in their lives. These forms of sexual violence were also more common in the sense that they were more likely to occur on multiple occasions." One interview respondent stated that "it is on the street all the time, it's almost a background of what going out of doors seems to mean." (pg. 132-33) It should be mentioned that her interview sample was obtained by a "multi varied approach to purposive sampling" (pg. 70); interviewees were contacted through articles in news papers a advertising through posters and through a series of talks given by the researcher. In all sixty women were interviewed. Kelly L. Women's Experience of Sexual Violence doctoral dissertation submitted to Essex University November 1985. (unpublished document)
- 9 Kelly L. 'The Continuum of Sexual Violence' in Women, Violence and Social Control J. Hanmer and M. Maynard (eds.) Macmillian Press, Basingstoke, © 1987 pg. 48
- 10 *ibid.* pg. 37
- 11 *ibid.* pg. 38 This tale is mirrored in other contributions to the feminist discussion. Elizabeth Stanko drew upon the policing literature in an essay entitled 'Missing the Mark? Policing Battering' to show how the occupational orientation of police rank and file prevents the adoption of a simple solution to wife battery such as that of presumptive arrest policies. She reminded readers about the masculinist sub-culture of policing citing Skolnick to the extent that the occupational culture of policing is steeped with images and expectations of a 'macho-style' masculinity. See: Hanmer, J. Radford J. and Stanko E.A. Women, Policing and Male Violence; International Perspectives, Routledge, London and New York, © 1989.
- 12 *op. cit* Radford, 1987 pg. 44
- 13 Stanko E.A. Intimate Intrusions Women's Experience of Male Violence Routledge and Kegan Paul © 1985 . pg. 4
- 14 *ibid.* pg. 95-96
- 15 Hanmer, J. Radford J. and Stanko E.A. Women, Policing and Male Violence; International Perspectives, Routledge, London and New York, © 1989 pg.192
- 16 *ibid.* pg. 66-67
- 17 Reiner, R. The Politics of the Police, Wheatsheaf, London © 1985 quoted in Stanko E.A. 'Missing the Mark? Policing Battering' in Hanmer, J., Radford J., and Stanko E.A. Women, Policing and Male Violence; International Perspectives, Routledge, London and New York, © 1989 pg. 66
- 18 *ibid.* pg. 67
- 19 *ibid.* pg. 54

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- 20 Edwards S.S.M. 'Provoking Her Own Demise': From Common Assault to Homicide' in Women, Violence and Social Control J. Hanmer and M. Maynard (eds.) Macmillian Press, Basingstoke, © 1987 pg. 153
- 21 *ibid.* pg. 152
- 22 Edwards S.S.M. Policing 'Domestic' Violence: Women the Law and the State Sage Publications, New York © 1989 pg. 50
- 23 *ibid.* pg. 236
- 24 *ibid.* pg. 236
- 25 McGibbon A., Cooper L., and Kelly L. "What Support?" The Final Report of the Hammersmith and Fulham Council Community Police Committee Domestic Violence Project, The Polytechnic of North London, 1989
- 26 *ibid.* pgs. 90-101
- 27 See also: Hall R.E. Ask Any Woman; a London inquiry into rape and sexual assault, Falling Woman Press in conjunction with Women Against Rape. © 1985
- 28 Edwards 1989. pg. 168
- 29 *ibid.* pg. 168
- 30 *The Guardian* March 23, 1989
- 31 *ibid.*
- 32 *ibid.*
- 33 *ibid.* Other news stories were very pessimistic indeed. For example, *The Sunday Times* for March 19, 1989 reported the details of another case which was connected with Chiswick Women's Aid. As it was presented, the case of 'Edith' showed that women victims of domestic violence face an uphill battle if they wish to receive 'Justice' in the courts. Edith was attacked for the second time in April of 1986 leaving her with a crushed vertebra, a bald patch and recurrent breathing problems after her fiancé had tried to strangle her. According to the newspaper report, when Edith attempted to report the assault to the police they refused to take a statement and told her that since it was a 'domestic' she would have to pursue it as a civil matter. Counsellors at Chiswick encouraged her to follow the case up and supported her in her efforts. The police were less than sympathetic and one officer was reported to have said he often "felt like strangling his wife after a long day". It took seven months to persuade the police to take a statement. Eventually the case reached court and the ex-fiancé was bound over to keep the peace and fined £250. This newspaper report also gave details of the Met's new policy on domestic violence, indicating that reported incidents of domestic violence were up by 142% and that arrests were up by 86%. According to a spokesman at Scotland Yard the problem no longer lay with the police, rather "the crucial period of time is between the arrest of the man and the case coming to court" a problem over which the police have no control.
- 34 *Observer*, Sunday 12, November, 1989
- 35 *ibid.*
- 36 *The Independent* Monday February 6, 1989
- 37 *ibid.*
- 38 *The Independent* Saturday February 11, 1989
- 39 *The Times* Wednesday February 22, 1989
- 40 Personal communication to author.
- 41 Also personal communication to author, but see: *The Times* Wednesday February 22, 1989

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- 42 There is some difficulty with this. In my conversations with Adam Jukes he informed me that compelling men to participate in such programs was misguided. He pointed out that men can suppress their battering behaviour for months or even years and that what was really at the root of the problem was men's 'controlling behaviour'. According to him the violence cannot really be stopped without putting an end to the controlling behaviour and in order to do that it is necessary for the batterer to want to change. Hence, the efficacy of court mandated programmes is not clear cut. As an aside, Jukes indicated to me that it was this focus on men's controlling behaviour and attempts to overcome this that made his approach 'pro-feminist', although the programme he had set up was not actually affiliated with any service for victims of male violence. With regard to the treatment focus, Jukes told me that all men in this society were socialized into believing that it was right and fitting that men control women. He also confessed to engaging in controlling behaviour with his wife and told me that, in all likelihood, I also exhibited such patterns with the women close to me. I did not deny it.
- 43 *The Times* Wednesday February 22, 1989. Interestingly, Sandra Horley makes a distinction between 'pro-feminist' and 'traditional' counselling methods. According to her 'pro-feminist' methods begin with the assumption that the violent behaviour of men arises out of their perceived need to control women and that the need to control comes out of sexist expectations generated in society at large. 'Traditional' approaches focus on 'fears of abandonment', 'unmet dependency needs' and 'anger management'. According to her much of the counselling of male batterers in this country is 'traditionalist' masquerading as 'pro-feminist'. (personal communication to author)
- 44 *The Guardian* Wednesday March 8, 1989
- 45 Sandra Horley told a meeting of the London branch of NAPO that "We are talking about matters of priority. Setting up Refuges has not stopped the violence - and running men's groups will not stop it either. But providing refuge for women, enabling them, and their children, to be safe from danger must take precedence over allowing violent men with criminal sentences to be at large in the community. Refuges are full to overflowing and cannot meet the demand. Bed and Breakfast hotels are also full and many women are being forced back into the danger from which they have fled." She revealed later in her speech that establishing a men's group in Lambeth cost the council £86,000; over half the £150,000 it cost to run Chiswick Family Rescue for a year.
- 46 *ibid.*
- 47 Personal communication to author. The Everyman Centre was established in the London Borough of Lambeth, with a three year grant, in early 1991. The paid staff are both male and trained in Kleinian psychoanalysis.
- 48 I was witness to a discussion between Rebecca Dobash and Jill Radford at a national conference held under the auspices of Crime Concern and partially funded by the Home Office on 'Preventing Crime Against Women' at Hammersmith Town Hall in April of 1991. Radford vehemently attacked the idea of counselling men who batter. Her reasoning was twofold: 1) such violence is a crime and should be treated as such, and 2) in view of the lack of resources allocated to victims it was unacceptable to be giving funds for projects for violent men. According to Rebecca Dobash, the model that was being implemented in Scotland under her guidance was based on the 'pro-feminist' programme in Duluth Minnesota (see chapter nine). This particular programme had emerged from work in women's refuges as an adjunct to services for victims. Dobash's counter argument was that putting men in counselling

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programmes made them "safe to leave". According to her, many women do not leave their violent partners because of fear of further and increased violence. Apparently men in counselling are less dangerous because their attention is focused away from the woman.

49 *The Observer* Sunday June 17, 1990

50 *ibid.*

51 *The London Standard* August 1, 1990 announced: 'Get tough with the Wife Beaters'; on the same day that *Today* announced: 'Two Nights Instant Jail to Tame Wife Beaters'. In fact, every newspaper in London carried the story on John Patten's announcement that day. *The Express* announced: 'Blacklist to help police put wife beaters in dock'; *The Star*: 'Cops get tough on violence in the home - Families at war face Jail'; *The Sun* simply: 'Blacklist for bully hubbies'. *The Times* put it this way: 'Police to take harder line on domestic violence'; while *The Independent* was more cautious: 'Police are advised to give higher priority to violence in home'.

52 *The Independent* August 1, 1990 In fact, the initiatives adopted by British police in their efforts to improve their record in policing rape came as a result of a report drawn up by Detective Inspector Ian Blair of the London Metropolitan Police in conjunction with the British Police Foundation. This closely parallels the 'domestic violence story'. Initially, the police had come under fire for dealing poorly with this type of crime, particularly after the airing of Roger Graef's 1979 television documentary on the Thames Valley Police. This had included footage of a police interview with a rape victim, showing an apparently callous attitude by the attending officers. Suggestions for improvement in policing practices for the crime of rape came after Blair's fact finding mission to the United States which was published under his name. Blair I. Investigating Rape A New Approach for Police published by Croom Helm in association with the Police Foundation © 1985

53 *The Observer* Sunday June 17, 1990

54 *ibid.*

55 *ibid.*

56 I recall having a conversation with a PC attached to one of the Metropolitan Police Domestic Violence Units (one of the few men I came in contact with attached to such a unit) about the need for refuge provision. He jokingly suggested that such a facility be built on top of his section house. Perhaps he took Sandra Horley's call for cooperation too literally. While this officer seemed to genuinely believe that refuges were a good idea his own awareness about local shelters was not deep. He was not on a first name basis with any refuge workers and admitted to having an awkward relationship with them.

57 This three pronged strategy was outlined on numerous occasions. This account is taken from a speech entitled 'Resources for Abused Women' given at the Crime and Policing After 1992 Conference held at Islington Town Hall Nov. 26-27, 1990 (unpublished document)

58 *ibid.*

59 *ibid.*

60 This report had been commissioned by the Women's Equality Group of the London Strategic Policy Unit in late 1987 and the data was gathered in the early months of 1988. The Report was published in 1989, after the dissolution of the Strategic Policy Unit with the assistance of Southwark Council. The document is entitled: Taking Stock Refuge Provision in London in the Late 1980s, by Marlowe Russell.

61 *ibid.* pg. 20-21

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- 62 *ibid.* pg. 21 It was further reported that "70% [of the refuges] are overcrowded a significant amount of the time." pg. 62
- 63 *ibid.* pg. 71-72 Estimates of the amount of unpaid labour in refuges are further complicated by the fact that many workers (an estimated 32%) were unable to take their full allotment of holidays in a given year. Further, many women worked for no pay at all, only to be remunerated informally, often by being given a place to stay in the refuge in return for providing 24 hour cover.
- 64 In this respect, the report drew heavily on the expertise of Amina Mama and, in the acknowledgements, the report's author thanked her for the opportunity to read *The Silent Struggle* before its publication.
- 65 Stanko, E.A. 'Missing the Mark? Policing Battering' Women, Policing and Male Violence, Routledge London and New York © 1989 pg. 66
- 66 A connected worry was the policing of assault within the home in Northern Ireland. WAFE noted findings from a study they had carried out there which indicated that 95% of the respondents felt they had needed to call the police at one time or another but had not. Details of the interviews revealed the enormous problems of policing violence in the private family setting in the context of the on-going hostilities. The lesson seems to be that, police involvement in dealing with hostilities in public places (for example in Northern Ireland, Southall, Brixton, Toxteth, etc.) has profound repercussions for policing in a private setting. The implications that policing in public settings holds for policing in private spaces all but dissolves the distinction between policing the 'public' and the 'private'. See: Montgomery P. and Bell, V. The Police Response to Wife Assault: A Northern Ireland Study Women's Aid Federation © 1986
- 67 *ibid.* pg. 31-32
- 68 Susan Edwards' work has been done directly in collaboration with the police. This involved work at a number of police stations in the Metropolitan Area, recently, an attempt to evaluate the deterrence value of arrest with one of the new domestic violence units. Other work has been done under Town Hall initiatives for example: McGibbon A., Cooper L., and Kelly L. "What Support?" The Final Report of the Hammersmith and Fulham Council Police Committee Domestic Violence Project, The Polytechnic of North London, 1989.
- 69 Throughout the period of research I have attended numerous multi-agency meetings. Such meetings are organized at local level by officers in Community Relations. One striking thing about these meetings is that the police are always the most well represented group. Head counts are somewhat difficult at times because officers in attendance tend to wear civilian clothing, however I have been in meetings where 50% of the persons present were police officers. Private solicitors, Crown Prosecution Service, local health visitors, social service workers, housing officials and refuge workers, make up the balance of people in attendance, but at any given meeting the police were the single most numerous group. As regards my general impression, refuge workers attending at multi-agency meetings held by what I labeled the North London Domestic Violence Unit in chapter seven were very enthusiastic about the police response. Workers in attendance at the copy-cat unit's meetings were less so, but had also come to realize the limitations of the police response with regard to the decision to arrest. At these meetings I made a habit of asking refuge workers about what issues were a priority for them. To my surprise, criminalization was always the first thing mentioned and there was a high level of awareness about the deterrence based research. However, when I

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asked them about more funding for refuges there was markedly less worry. Indeed, I mentioned to one refuge worker that I had heard that some refuges suffered because of lack of money to which she replied: "A refuge is what you make it!"

- 70 Southall Black Sisters had criticized the police for unwarranted surveillance of the community. They complained that, during multi-agency meetings, police request information from local social workers, probation services, psychiatric nurses, the local victim support scheme, and local women's groups on 'problem families'. According to their analysis of such requests, domestic violence had been re-defined by the police from a social problem to one of 'problem families' who would then become the subject of police attention. 'Southall Black Sisters - Two Struggles: Challenging Male Violence and the Police' in Dunhill, D., The Boys in Blue Women's Challenge to the Police, Virago Press, London © 1989
- 71 Southall Black Sisters came into existence shortly after the 1979 uprising in Southall. Grant aided by Ealing Council, the group campaigned on a number of issues including violence in marriage, arranged marriage, policing of the black community and homelessness.
- 72 *ibid.* pg. 40
- 73 *ibid.* pg. 44
- 74 Mama A. The Hidden Struggle: Statutory and Voluntary Sector Responses to Violence Against Black Women in the Home published by the London Race and Housing Research Unit and the Runnymede Trust © 1989.
- 75 Camden Black Sisters, originally Camden and Islington Black Sisters Group, was first formed in 1979 after a conference for Women of Asian and African Descent. It has been a broad based group campaigning around the general issues of sexism, racism, and class differences. The group changed its name in 1986 and obtained office space a year later. They are grant aided by Camden council and provide a wide range of cultural events as well as informal social services and a platform for political protest.
- 76 Both the Bangladeshi and the Bengali communities were mentioned to me by police officers in this regard. However, from examination of police files, it has also been my observation that Chinese people and, indeed, many other ethnic groups from the Far East, are also unlikely to involve the police in domestic disturbances. This is not to intimate that relations between the police and these disparate sub-cultures are uniaxial, however, it does appear that there are significant barriers between the police force and some immigrant communities. This has profound implications for the social response to domestic violence, since, if people from these communities do not use police services, for whatever reason, then concentration on service delivery through the police force will fail to meet the needs of these victims. Under such circumstances other agencies may be more effective in service delivery.
- 77 The Police and Public in England and Wales: A British Crime Survey Report Home Office Research Study 117 London HMSO ©1990 pg. 49
- 78 Text of a speech given at a conference by John Newing QPM entitled Policing: A Crisis in Confidence? at the Crime and Policing After 1992 Conference held at Islington Town Hall Nov. 26-27, 1990 (unpublished document) Newman blamed much of the negative view of the police on the Media and then went on to note the British Crime Survey findings.
- 79 *The Guardian* Wednesday Feb. 21, 1990 the author of this article, David Rose, explained that 'participative management' was central to the philosophy of the Plus Programme. Integral to that was a loosening of the command structure so that the constructive criticism made by operational officers could pave the way for internal reform. However, Rose saw this loosening

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of the command structure as somewhat chimerical since most officers were afraid of 'doing their legs'. He explained that 'to do your legs' means "roughly, to ruin your career, or have it ruined, by stepping out of line, by criticizing the wrong superior, or simply falling foul of the inertia-bound hierarchy by displaying excess initiative."

80 op. cit John Newing QPM; Policing: A Crisis in Confidence?

81 Such reports are too numerous to enumerate in any detail. However, to cite two examples; a brief report emerged in the Financial Times on Wednesday Dec. 6, 1989. It read in full: "A man who accused a police officer of lying when he said he had found cannabis on him was awarded £100,000 damages against the Metropolitan Police - £10,000 for false imprisonment, £20,000 for malicious prosecution and £70,000 damages to mark the jurors disapproval of police conduct - by a High Court jury." What the Financial Times did not say was that the falsely accused man was a black, lay preacher, teetotaler and that the PC involved was one of several at Nottingham Police station involved in 10 allegations of planting drugs in order to secure an arrest. (see: The Guardian Dec. 6, 1989). Sir Peter Imbert appeared in the Daily Mail on the same day admitting that "there was a serious lack of public confidence in procedures" and calling for "a major overhaul". The Wolff Olins report was cited to the effect that "there is a minority of officers who are too free with their language and who adopt an aggressive attitude in their relationships with people on the street." (Daily Mail Wed. Dec. 6, 1989) Several weeks earlier, *The Sun* (Thurs. Nov. 24, 1989), which is not known for being overly critical of the police, had also noted the need to "clean up the cops". The article noted recent acquittals of the Guilford Four were noted, but more important were the wrongful convictions of the Chelsea Headhunters on charges of football hooliganism using evidence fabricated by undercover police. The item noted that "If ordinary people were treated with more courtesy and consideration by Mr. Plod, we would be less inclined to believe the allegations of corruption."

82 Hoare, M.A. Stewart G., and Purcell C.M. The Problem Oriented Approach: Four Pilot Studies London : Metropolitan Police, Management Services Department © 1984; quoted in Goldstein H. Problem Oriented Policing McGraw-Hill New York, © 1990 pg. 54

83 *ibid.* pg. 54-55

84 *ibid.* pg. 75

85 op. cit John Newing QPM; Policing: A Crisis in Confidence?

86 This observation was made by Bittner two decades ago and has since become a common sense truism of police research. See: Bittner, E. The Functions of the Police in Modern Society, National Institute of Mental Health, Chevy Chase Maryland © 1970

87 A similar point could be made with reference to neighbour disputes and racial incidents. To take a concrete example; for operational police officers it was never easy to see how a case of persistent milk bottle smashing, a not uncommon form of 'racial harassment', could be dealt with as part of 'the Job' since, within the formal categories of 'the Job' such a case could be classed as an offence but not as a crime and, as such, would be a civil matter. To be told that racial incidents were priority issues for front line personnel and that such an instance was an example of such an incident could not bring front line personnel any closer to a decisive intervention. See: Bowling B. 'Racist Harassment and the Process of Victimization: conceptual and methodological implications for the local crime survey' in Realist Criminology: Crime and Policing in the 1990s J. Lowman and B. Maclean (eds.) Vancouver: Collective Press © 1991

88 op. cit John Newing QPM; Policing: A Crisis in Confidence?

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- 89 This idea was developed by Peter Manning in 'The Police: Mandate, Strategies and Appearances'. See: Manning P.K. and Van Maanen J (eds) Policing: A View from the Street, Goodyear Santa Monica Calif. © 1978
- 90 *The Sun*, April 30, 1991. The front page headline read: Murder at Police Station. It was explained that "a husband had stabbed his wife in a police station . . . after they had called in to sort out their marital problems. The woman was knifed 15 times when two police women left the couple alone in a special domestic violence unit." The Chief Superintendent in charge of the station was quoted as saying that "Officers dealing with domestic violence cases perform a difficult dual role of police officer and social worker and have a whole range of options open to them with such cases" and, further, that police "are allowed a great deal of discretion and letting parties talk through their difficulties is a legitimate option."
- 91 Edelman M. Political Language: Words that succeed and policies that fail Academic Press, New York © 1977 pg. 9
- 92 *ibid.* pg. 21

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