



Violence, Gender & Justice

图书馆

Maggie Wykes & Kirsty Welsh



Violence, Gender and Justice

Maggie Wykes and Kirsty Welsh



Los Angeles • London • New Delhi • Singapore • Washington DC

© Maggie Wykes and Kirsty Welsh 2009

First published 2009

Apart from any fair dealing for the purposes of research or private study, or criticism or review, as permitted under the Copyright, Designs and Patents Act, 1988, this publication may be reproduced, stored or transmitted in any form, or by any means, only with the prior permission in writing of the publishers, or in the case of reprographic reproduction, in accordance with the terms of licences issued by the Copyright Licensing Agency. Enquiries concerning reproduction outside those terms should be sent to the publishers.



SAGE Publications Ltd
1 Oliver's Yard
55 City Road
London EC1Y 1SP

SAGE Publications Inc.
2455 Teller Road
Thousand Oaks, California 91320

SAGE Publications India Pvt Ltd
B 1/I 1 Mohan Cooperative Industrial Area
Mathura Road
New Delhi 110 044

SAGE Publications Asia-Pacific Pte Ltd
3 Church Street
#10-04 Samsung Hub
Singapore 049483

Library of Congress Control Number: 2008935472

British Library Cataloguing in Publication data

A catalogue record for this book is available from the
British Library

ISBN 978-1-4129-2336-1
ISBN 978-1-4129-2337-8 (pbk)

Typeset by C&M Digital (P) Ltd, Chennai, India
Printed in Great Britain by Ashford Colour Press Ltd., Gosport
Printed on paper from sustainable resources



Violence, Gender and Justice

Violence, Gender and Justice is for

Jessica (born 21.02.2005)

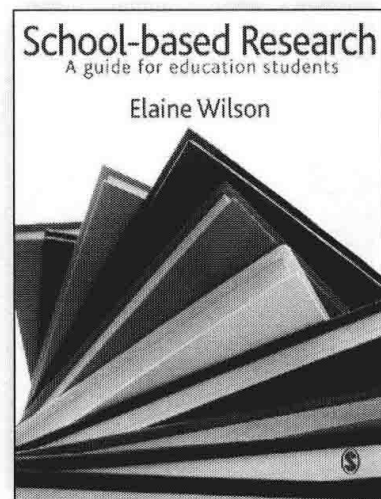
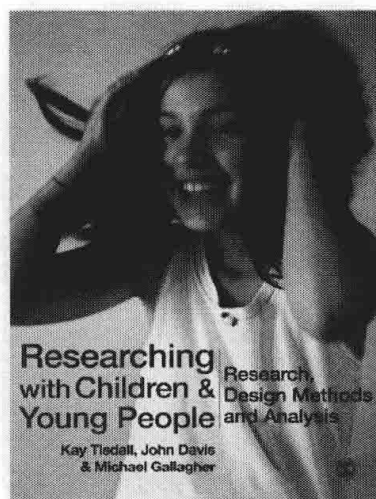
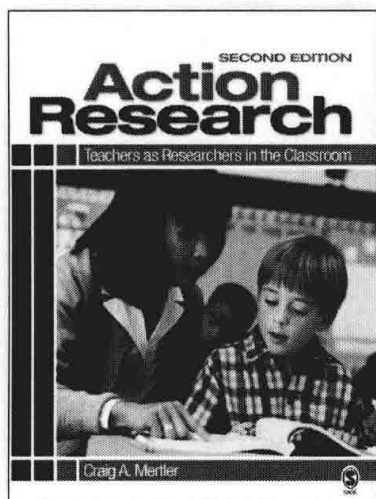
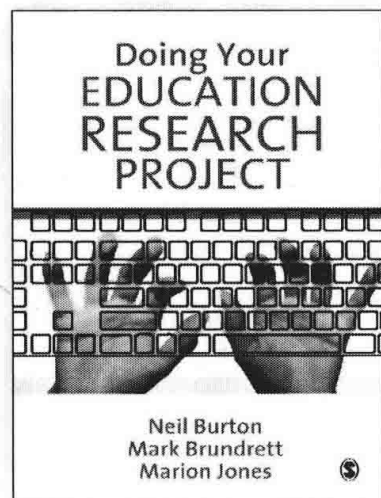
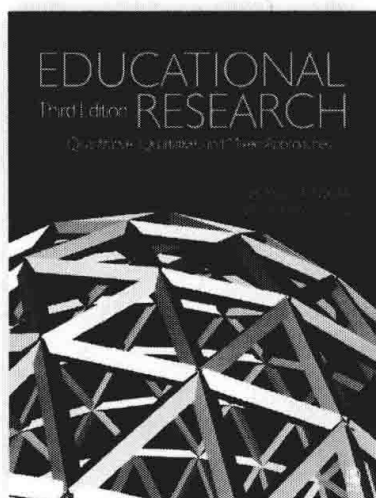
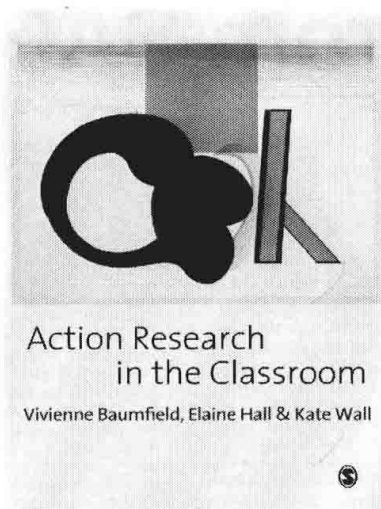
Thomas William (born 11.01.2007)

Annie Grace (born 04.10.2007)

with love and hope

Research Methods Books from SAGE

Read sample
chapters online
now!

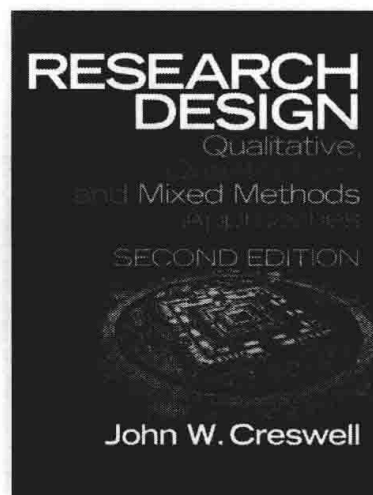
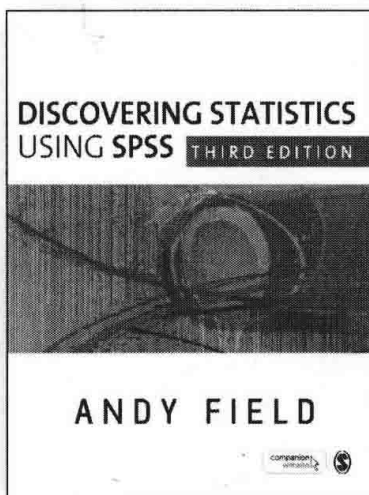
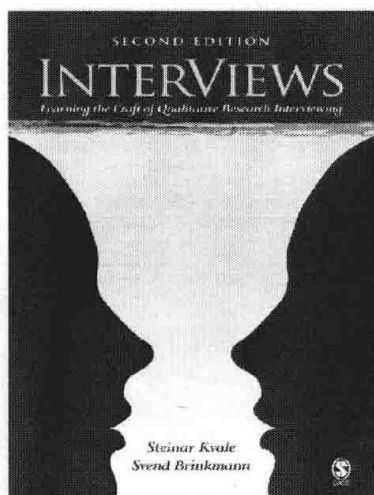
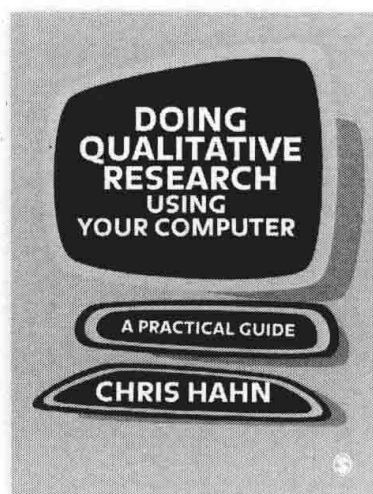
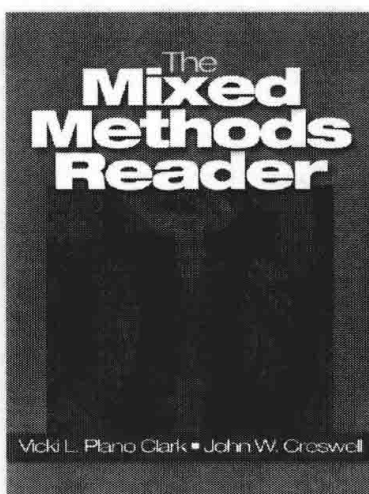
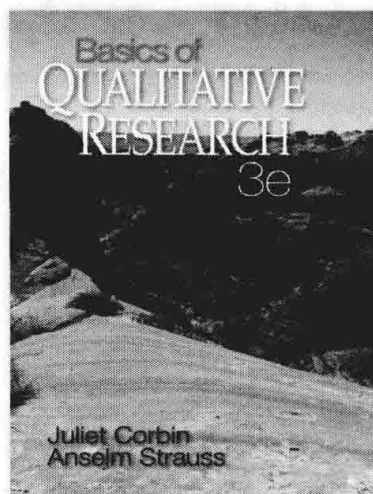


www.sagepub.co.uk/education

 **SAGE**

Research Methods Books from SAGE

Read sample
chapters online
now!



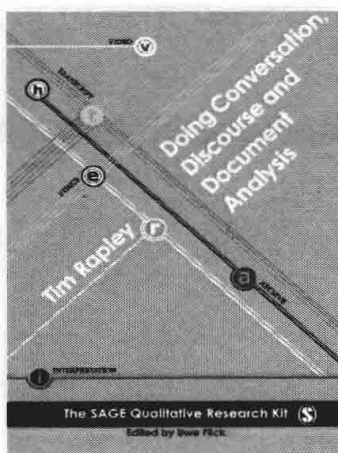
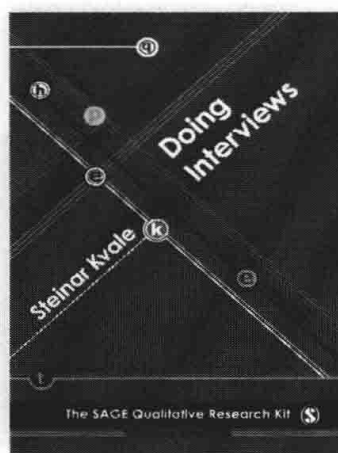
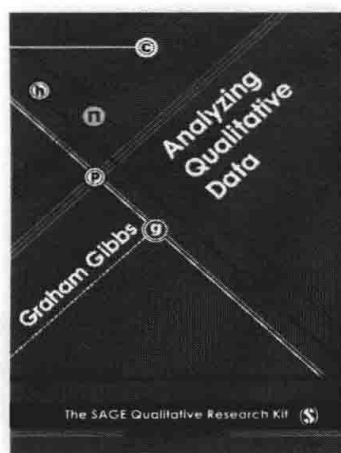
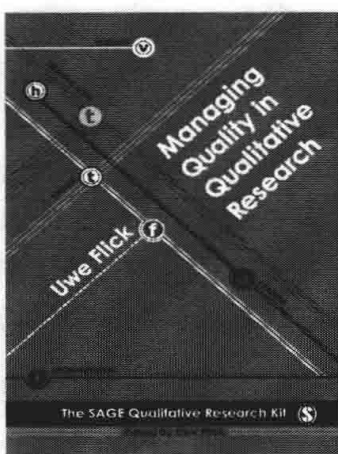
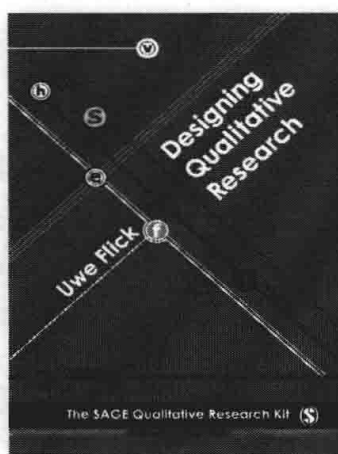
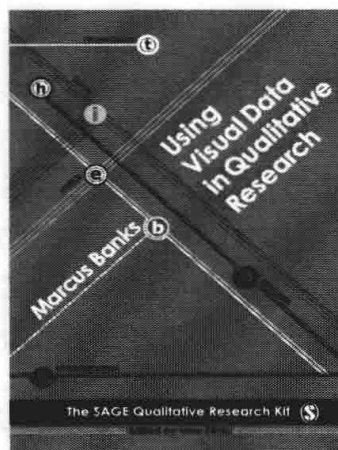
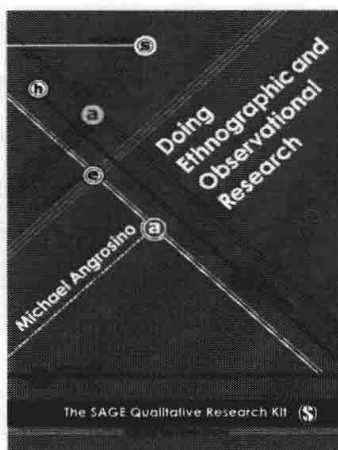
www.sagepub.co.uk

 **SAGE**

The Qualitative Research Kit

Edited by Uwe Flick

Read sample
chapters online
now!



Supporting researchers for more than forty years

Research methods have always been at the core of SAGE's publishing. Sara Miller McCune founded SAGE in 1965 and soon after, she published SAGE's first methods book, *Public Policy Evaluation*. A few years later, she launched the *Quantitative Applications in the Social Sciences* series – affectionately known as the “little green books”.

Always at the forefront of developing and supporting new approaches in methods, SAGE published early groundbreaking texts and journals in the fields of qualitative methods and evaluation.

Today, more than forty years and two million little green books later, SAGE continues to push the boundaries with a growing list of more than 1,200 research methods books, journals, and reference works across the social, behavioral, and health sciences.

From qualitative, quantitative, mixed methods to evaluation, SAGE is the essential resource for academics and practitioners looking for the latest methods by leading scholars.

www.sagepublications.com



CONTENTS

1	Introducing Violence, Gender and Justice	1
	Evidence and Violence	2
	Organisation of the Book	6
2	'Cold-blooded Lies': Mediating Sex 'n Violence	9
	Crime News	9
	<i>Murder, gender and media</i>	12
	<i>Celebrity crime</i>	14
	<i>Sex 'n violence</i>	16
	<i>Paedophile panic</i>	17
	Soham	20
	Conclusion	25
	Notes: Issues for Reflection	27
	Complementary Readings	27
3	Intimacy, Secrets and Statistics	29
	Crime Measures and Gendered Violence	29
	Measuring Sex and Violent Crime – Problems and Possibilities	32
	Violence, Sex and Crime	37
	<i>Violent crime</i>	38
	<i>Sex crime</i>	38
	<i>Patterns of offending</i>	39
	Stranger Danger or Home Dangerous Home	41
	<i>The family man?</i>	41
	<i>Dangerous love</i>	41
	<i>Are men victims too?</i>	44
	Conclusion	47
	Notes: Issues for Reflection	48
	Complementary Readings	48
4	Gendering Criminology?	49
	Theoretical Histories	50
	<i>Crime and science</i>	50
	<i>Crime and society</i>	53
	<i>Realisms</i>	56

Criminal Women?	57
<i>Women as victims</i>	59
<i>Criminal justice for women</i>	60
<i>Theorising women and crime</i>	64
Conclusion	66
Notes: Issues for Reflection	68
Complementary Readings	68
5 Confronting Violence: People, Policies and Places	70
Challenging Male Violence: Feminist Action	71
<i>The refuge and rape crisis movements</i>	71
State Responses to Gendered Violence	76
<i>State services' failure to confront violence in individual cases (then)</i>	76
<i>State services' failure to confront violence in individual cases (now)</i>	79
<i>State services' failure to challenge 'gender'</i>	82
<i>Failure to confront violence as gendered</i>	85
Conclusion	88
Notes: Issues for Reflection	89
Complementary Readings	90
6 The Family of Man	91
Family Histories	92
<i>An Englishman's home is his castle: family stories</i>	96
Mediated Men	97
Power, Place and Psychology	98
<i>Freud and family</i>	99
<i>Sex, knowledge and subjectivity</i>	102
<i>Deconstructing the family of man</i>	104
Absent Fathers, Feminists and Broken Families	105
Conclusion	107
Notes: Issues for Reflection	108
Complementary Readings	109
7 The Law, the Courts and Conviction	111
Rape: the Law, the Courts and Conviction	112
<i>The legal definition of rape</i>	112
<i>Penile penetration</i>	113
<i>Consent</i>	116
<i>Inexorable logic or Inexcusable law?</i>	120
<i>Sexual experience and rape</i>	124
Conclusion	127
Notes: Issues for Reflection	129
Complementary Readings	130

8	Embodying Violence: Masculinity, Culture and Crime	131
	Identity Intersections	132
	<i>Poverty</i>	132
	<i>Youth</i>	134
	<i>Race</i>	135
	<i>Sexuality</i>	139
	The Boys are Back in Town: Gendering Criminology	141
	<i>Psychologising gender</i>	141
	<i>Sociology and gender</i>	143
	<i>Post-modernism, masculinities and subjectivity</i>	145
	Culture, Violation and Post-modern Bodies	146
	Conclusion	148
	Notes: Issues for Reflection	150
	Complementary Readings	151
9	Conclusions: The Cost of Gendered Crime	153
	Counting the Costs: Crime	153
	<i>Domestic abuses</i>	153
	<i>Rape</i>	154
	<i>Sexual violence against children</i>	155
	<i>Prostitution</i>	157
	Counting the Costs: Power and Knowledge	158
	<i>Mediated crime</i>	158
	<i>Statistics and secrets</i>	158
	<i>Gendering criminology: feminism</i>	160
	<i>People, policies and agencies</i>	161
	<i>Family</i>	162
	<i>Law</i>	163
	<i>Masculinity</i>	164
	Conclusions	165
	Bibliography	167
	Index	190

1

INTRODUCING VIOLENCE, GENDER AND JUSTICE

Most of the time when we read about, hear about and talk about 'crime' and 'criminals', we are actually reading, hearing and talking about men and men's behaviour.

Men commit more crimes than women. In 2002 male offenders in England and Wales outnumbered female offenders by more than four to one ... Men outnumber women in all major crime categories. Between 85 and 95 per cent of offenders found guilty of burglary, robbery, drug offences, criminal damage or violence against the person are male. Although the number of offenders are relatively small, 98 per cent of people found guilty of, or cautioned for, sexual offences are male. (National Statistics UK 2006)

Yet despite that overwhelming domination of crime by men, it is very rare that masculinity is the focus of blame or explanation, rather reporting of violence between men often alludes to alcohol as causal and street violence between youths considers religion, race, gangs and failing families. In these kinds of crime men feature systematically as both offenders and victims, very often strangers to one another, with women rarely involved except occasionally as sufferers of collateral damage. However, when it comes to violence between males and females there is a very different pattern, where those involved often know each other or are related, where men are nearly always perpetrators and women and girls are nearly always victims. Yet in such cases too, the masculinity of offending is almost never addressed whilst the femininity of the victims comes under close scrutiny and is often attributed with blame for the crime against them.

Evidence and Violence

Research shows that violence and abuse in a domestic setting are clearly a gender issue. Overwhelmingly, women and children experience violence and abuse from

men. Women do not perpetrate violence or abuse against men or children to anywhere near the same extent. A BBC *Panorama* programme, 'Hitting Home', (2003) gathered statistics highlighting that 'almost 50,000 women and children a year shelter in refuges from violence'. In the city of Sheffield (pop. approx. 500,000) in England, where the authors are based: '12% of women are likely to be living in households where there is domestic abuse, with around 15,000 children between them. In a class of 30 school children, 2–4 children on average are likely to be living with domestic abuse', and 'Domestic Abuse Projects in Sheffield supported 320 women and 500 children in safe accommodation, and a further 1,200 women with telephone outreach support' (Sheffield City Council 2003). Nationally, although domestic violence is chronically under-reported, research still estimates that it:

- accounts for 16% of all violent crime
- has more repeat victims than any other crime (on average there will have been 35 assaults before a victim calls the police)
- costs in excess of £23bn a year
- claims the lives of two women each week and 30 men per year
- is the largest cause of morbidity worldwide in women aged 19–44, greater than war, cancer or motor vehicle accidents. (Crime in England and Wales 04/05 report)

Rape is also a deeply gendered crime. Although there are male on male rapes these are comparatively rare (Gregory and Lees 1999) whilst the figures for rape of women by men remain horrifying and the figures for conviction for rape even more so. The British Crime Survey recorded 12,630 rapes of women in England and Wales in 2006/7 and 1,150 of men (Nicholas et al. 2007). In 2000 the BCS identified 45% of rape as partner rapes; 47% of assailants were known to the victim and just 8% were strangers (Myhill and Allen 2002). As with domestic violence, rape is often a crime perpetrated by men on women with whom they have/have had an intimate relationship. Despite significant changes in the law with the introduction of the Sexual Offences Act 2003, more sensitive policing of sexual crime and higher levels of reporting than ever, *successful prosecutions are rare. Journalist Katherine Viner summed up the situation in 2004:*

Few like to look at them, but the statistics on rape convictions are unbearably bleak: reported rape has trebled in the past decade; less than 6% of reported rapes result in a conviction; less than 20% of rapes are reported to the police. There is more rape, and it is easier to get away with. The law itself is not to blame. MP Vera Baird was the driver behind the Sexual Offences Act, which came into force in May. A man may no longer claim that he believed a woman was consenting to sex; a jury must instead be convinced that his belief was 'reasonable' ... But the act must be closely monitored if it is to have any effect at all, because it is in the hands of judges, lawyers and juries ... How did Judge Michael Roach let off trainee croupier Michael Barrett with a conditional discharge for having sex with a 12-year-old girl

with the comment, 'I trust you to behave yourself now'? ... As for the police, we need sexual assault referral centres (Sarcs) in each of the 43 police forces – where victims have access to women doctors, counsellors and specialist non-uniformed officers. And finally, the public. It is jurors who acquit presentable young men who look just like their sons; it is jurors who assume that women in short skirts are asking for it. So what is needed is a high-profile, hard-hitting public information campaign debunking the myths about rape ... The overwhelming majority of rapists are friends, boyfriends, husbands, ex-lovers, men in bars. (Viner 2004)

Myths, miscarriage of justice and mismanagement are clearly implicated in the statistics for conviction but little critique is offered of the men who rape the women they know. Similarly, when it comes to abuse of children it is overwhelmingly men who perpetrate and almost entirely men when the abuse is sexual. The NSPCC chronicles the evidence that home and family can be a dangerous and damaging place for children:

- Every week in England and Wales one to two children will die following cruelty.
- One per cent of children experienced sexual abuse by a parent or carer and another three per cent by another relative during childhood. Eleven per cent of children experience sexual abuse by people known but unrelated to them.
- There are on average 80 child homicides recorded in England and Wales each year.
- On average one child is killed by their parent or carer every week in England and Wales.
- More than a quarter of all rapes recorded by the police are committed against children under 16 years of age.
- The National Commission of Inquiry into the Prevention of Child Abuse estimates that the cost of child abuse to statutory and voluntary agencies is £1 billion per year in the UK. (NSPCC 2007)

Even the term child sexual abuse disguises the fact that this is rape of often very young children by adult men and is often incest by fathers, father figures and other close male relatives. Yet Britain's popular shock-horror tabloid newspapers never feature the headline 'DAD RAPES BABY DAUGHTER', preferring to focus on the dangerous stranger or, in the case of systematic incestuous abuse in Cleveland in the 1980s, blaming over-zealous diagnosis by doctors and/or colluding mothers (Campbell 1988). As with rape and domestic violence, the men who do offend against children most – fathers, step-fathers, uncles, family friends – do not feature in the accounts. In the Soham case the *Sun* (18 December 2003) offered a 24-page pullout and a front page labelling Huntley 'The Serial Paedophile' with the main story headed 'Sick Lust', but very little is said about his status in the school and community where he was known and trusted by the little girls he killed. Men only feature in such accounts when they can be labelled outside the dominant ideal of heterosexual, paternal masculinity as paedophiles, mad, evil or beasts.

Also, similar problems exist with convictions for child sex abuse as they do with rape, although there is much less readily available data on child sex abuse. The Home Office consultations prior to the new Sexual Offences Act 2003 included a response from Christian groups in the UK:

Right across the board, convictions for sexual offences against children have been falling year after year. *The report shows that from 1985 to 1995 convictions for the six most serious sexual offences against children fell by 31%.* Professor Grubin points out that *reports of gross indecency with children 14 and under (girls and boys) more than doubled from 633 to 1,287 over the ten year period to 1995, yet convictions declined.* There is clearly a serious problem with enforcement of laws against child sex offences. (Christian Institute 2001)

Although all these profoundly gender-differentiated crimes are nearly always committed by men, men *per se* are rarely featured in explanations, either in news about such crime or within policy documents. Offending men are also significantly absent from much criminological work unless qualified by some other variable such as race, youth, religion or class or described in an ungendered way, as in beast, evil or mad. They are often missing too in feminist criminology, which has always tended to prefer the experience of women in relation to crime, with the partial consequence at least that despite its intense focus on gender and crime since the mid-1970s, Frances Heidensohn could argue in 2002 that ‘a long journey hasn’t taken us very far’ (2002: 524) in terms of preventing the victimisation of women.

The existence of such news accounts and data alongside Heidensohn’s comment explains this book’s focus on the representation, experiences and treatment of men and women as victims and criminals. The book examines whether and how offending patterns differ according to gender and explores the connections between gender, offending and victimisation. It also explores the treatment and experiences of men and women within the criminal justice system and argues that in order best to understand crime and criminal justice, criminologists must understand both as gendered. The focus is interpersonal gendered violence – sexual violence, ‘domestic’ violence, ‘domestic’ murder, rape, prostitution and child abuse – because these crimes are those most clearly involving gender differentiation between offender and victim and it is that profound difference in men’s and women’s place in crime that is both continuing to damage women and defy change. The book explores how sexual and ‘domestic’ violence have been and are represented in popular discourse, in the law, in criminal justice processes and in service provision, and it traces developments in these areas, using case-studies and international comparisons.

Our broad aims are to examine theoretical issues around violence, gender, culture and representation and to explore the reality of violent crime, and responses to it, in relation to gender. The book integrates rationally the two broad areas of theory and evidence. It presents an introduction to different

theories centred on the connections between gender, sexuality and violence and encourages readers to begin to see the strengths and weaknesses in each theory in explaining these connections. The book also introduces readers to gendered violent crime and examines the law, policy and practice in relation to gender and violence. Information is presented about issues such as domestic abuse, murder, male on male violence, rape, prostitution and child abuse. Connections between these issues are drawn out and responses to them are discussed. Here, the Sexual Offences Act 2003 and the Domestic Violence Crime Victims Act 2004 are examined, as are recent Government initiatives, such as the Home Office's Violence Against Women initiative, the 2003 *Safety and Justice* paper on domestic violence and the July 2004 *Paying the Price* consultation paper on prostitution.

The book focuses closely on how frequently intimacy or familiarity of some kind provides the context for the most gendered crimes and how, often, women and children are the victims of male violence, but also acknowledges male on male, and stranger violence, as well as women who kill or sexually assault. Because the issues raised here appear in different disciplines – law, criminology, socio-legal studies, criminal justice, sociological studies, social policy, cultural studies, gender studies, media studies, and so on, a broad approach is used to bring together the material, to learn from diversity and to critically explore a range of theory.

Gender as a key criminological variable is the main focus of the book and so we concentrate on those areas of the most extremely gender-differentiated offending and victimisation; violence and particularly sexualised violence. So we concentrate on interpersonal *violence* in relation to gender rather than on gender and crime *per se*. The logic to this is that violence is the area both where gender roles are most clearly differentiated and where the most danger and damage occur. Violence is of course also present in other contexts. Male on male violence between individuals and groups is common and concerning but offers little comparative basis for a consideration of gender. Violence also occurs in war and terror, with male perpetrators the norm and women and children often 'collateral damage', but in these cases the violence may not actually be labelled as criminal or criminally intended nor may victims even be identified as gendered by perpetrators. The exception is rape in war which deserves and requires attention in its own right beyond the scope of this book.

Crimes that are violent and overwhelmingly clearly gendered are rape, domestic violence and child abuse. Each of these occurs most commonly within the intimate relationships of family and sexual partnership, despite the media hyperbole about dangerous strangers and internet paedophiles, and it is this intimacy that the book explores in depth, although it also considers prostitution as a normally gendered crime that is sometimes physically violent and, arguably in the case of enforcement by pimps and traffickers, amounts to rape. The empirical evidence about violence and gender is unpicked and assessed in terms of where the knowledge comes from, how it is generated, how useful it is, how