

Lessons for the Coalition

Anette Ballinger considers why the previous government's initiatives did not do enough to stop domestic violence.

Why ... given the government's supposed commitment to fight violent crime, does it leave to volunteers in refuges funded by the National Lottery a crime that one in four women experience in their lives and that kills more than two women every week? (Wykes and Welsh, 2009).

Following the exposure of the nature and extent of violence against women, a trail of data can be traced from the 1970s to the present which reveal the persistence of such violence as a serious problem in the UK. For example, the British Crime Survey (BCS) of 1996, the year before New Labour was elected, revealed that '2.9 million domestic assaults took place in England and Wales, compared to 1.6 million burglaries in 1998' (Hall and Whyte, 2003). National statistics have consistently demonstrated that, on average, two women are killed a week 'by a current or former partner', which 'constitutes 42% of all female victims of homicide' (Ballinger, 2009; Boyle, 2005). There is therefore no indication that four decades of greater knowledge and awareness of violence against women have led to its decrease.

New Labour in power

New Labour was not indifferent to women's plight whilst in power. With regard to domestic violence, 1998 and 1999 saw the publication of two 'substantial reports', *Tackling Violence against Women* and *Living without Fear*. Other initiatives included awareness campaigns such as *Break the Chain* and *Zero Tolerance* and *The Domestic Violence Crime Victims Act* was introduced in 2004. Furthermore, violence against women became an important strand within the

government's Crime Reduction Programme.

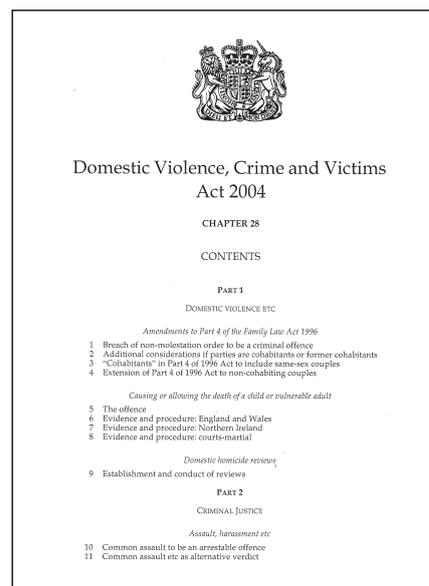
Similarly with regard to rape and other sexual offences, New Labour produced two consultation papers – *Setting the Boundaries* in 2000 and *Protecting the Public* in 2002 (Home Office, 2002). Following the government's 2002 Rape Action Plan, 30 Sexual Assault Referral Centres (SARCs) have come into existence (Stern, 2010).

The implementation of the *Sexual Offences Act 2003* (SOA 2003) can be linked to feminist exposure of the private sphere as a dangerous place for women. Thus, the traditional definition of 'real' rape as an act taking place between strangers in the public sphere has been challenged. Statistics in the 2001 BCS, revealed the perpetrator was a stranger in only 17 per cent of rapes and 18 per cent of serious sexual assaults (Wykes and Welsh, 2009). Yet, rape complaints against intimates are the least likely to result in a conviction, which helps to explain the persistence of notoriously low conviction rates for this crime, hovering between 5 and 6 per cent during Labour's reign (Ballinger, 2009). According to Phoenix and Oerton (2005), these factors led to a 'legitimacy deficit' – generated as a consequence of the criminal justice system's inability to respond adequately to cases of sexual violence.

However, as indicated by the above statistics, none of Labour's initiatives have succeeded in reducing the volume of violence against women. In what follows, possible explanations for this failure will be explored.

Failing women

The Home Office published new guidance for policing domestic violence in 2000 which emphasised pro-arrest and pro-prosecution



strategies, thus, bearing a close resemblance to 1990 guidance which had already failed to reduce the volume of incidents. Betsy Stanko has noted – 'police ... can do little to protect women ... from men's violence' (Stanko cited in Hall and Whyte, 2003). In contrast, refuges protect women, and 'are consistently valued and praised ... as effective in intervening in cases of domestic violence' (ibid). Yet, *Living Without Fear* promised only '£6 million for projects to reduce violence against women', constituting only two per cent of funding 'available for the government's Crime Reduction Strategy', compared to £153 million allocated for CCTV, despite consistent research findings that the latter has failed to reduce either crime or fear of it (ibid).

Such statistics indicate not only Labour's continued prioritising of crime control in the public sphere, at the expense of the private sphere, but also the marginalisation of effective responses to domestic violence through failing to provide secure funding for refuges. For example, chronic under-funding has resulted in the number of Rape Crisis Centres falling from 68 in 1984 to 32 in 2007 (Ballinger, 2009). A similar erosion of refuges has taken place, despite the fact that they support 'the vast majority of women who do not report' attacks (Coy et al., 2008).

Instead Labour's continued support for strategies such as police initiatives and awareness campaigns – both of which fail to address the

wider unequal power structure that allows such violence to be commonplace – helps to explain why there has been no reduction in incidents of domestic violence. In short, New Labour's strategies have failed to confront women's subordinate position as being at the root of domestic violence.

The question of gender

While Labour has undeniably responded to the challenge that statistics of violence against women present, the '2008 domestic violence arrest rate was only 30.1% ... down 1.3%' since 2007 (Fawcett Society, 2009). Not only have the New Labour strategies outlined failed to deliver on their own terms, they have also undermined the *gendered* nature of domestic violence, rape and other sexual assaults, by redefining them as gender-neutral.

A similar pattern emerges with the introduction of the SOA 2003 in response to the 'legitimacy deficit.' While statistics indicate 'that over 90% of reported victims of sexual assault and rape are women and girls', the SOA nevertheless managed to 'gender neutralise' these crimes (and victims) (Phoenix and Oerton, 2005; EAW, 2007). Unlike the feminist critique which puts inequality of power between men and women at the centre of analysis, SOA 2003 emphasises that sexual assaults are committed by men *and* women, hence *both* can be victims. Consequently such crimes are redefined as 'a problem of [ungendered] individuals who damage others', and justice is equated with harsher punishment in order to clamp 'down on those who destroy the lives of others' (Phoenix and Oerton, 2005). This gender-neutralisation of sexual offences erases not only 'the problem of men', but also 'the social context that [makes] sexual violation routine' (ibid). In short, the existing social order remains unchallenged – unsurprisingly so – since in 'patriarchal, capitalist societies the law functions to protect dominant male interests' (ibid).

This, in turn, has reinforced the marginalisation of the long history of *effective* responses to gendered

violence such as refuges and Rape Crisis Centres (Hall and Whyte, 2003; Coy et al., 2008).

The state's responses to violence against women since the 1990s has seen a trend towards redefining *gendered* violence as a *crime* problem. In turn, this promotes 'the *criminal justice* processes and priorities attached to 'crime' in service provision for them, rather than the priorities that are associated with approaching them as *gendered* violence' (ibid). That is, the pro-arrest, pro-prosecution initiatives outlined above prioritise police targets and criminal justice goals, whereas most women prioritise 'immediate protection' – something which police action is unlikely to provide.

Initiatives

All the initiatives outlined here focus almost exclusively on women *after* they have been victimised – SARCs, helplines, pro-arrest, pro-prosecution strategies and so on, while men remain invisible as do issues around masculinity and male power, which lead to gendered violence in the first place. Thus, 'there has been an emphatic and enduring failure to tackle men and their violence', for example through lack of facilities for male abusers. In particular, there has been a failure to address the place where 'male power is most operationalised and male violence is most routinely exercised – the home and family' (Wykes and Welsh, 2009).

The evidence presented here indicates that New Labour's initiatives and strategies have been failures – leaving women exposed to unchallenged and unchecked male violence (Wykes and Welsh, 2009). As such, the philosophy behind the state's policies can be seen to support – rather than challenge – the dominant heteropatriarchal social order within which women's priorities carry little importance.

However, the launch of the *Violence against Women Strategy* by the Crown Prosecution Service in 2008 leaves room for optimism with its recognition that "violence against women is rooted in the inequalities found throughout society between

men and women" and occurs within a 'context of power and control used by men against women'" (cited in Fawcett Society, 2009). Only when this important recognition of the wider social structures that allow gendered violence to flourish is adopted by all agencies of the state – particularly its criminal justice system – can we expect to see a significant change to the ways in which such violence is addressed. ■

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