

Why are criminal
justice systems as
capable of delivering
'injustices' as they
ar...



**ASSIGN
BUSTER**

There is a greater fear of crime in the public sphere and the popular consensus is that the ' streets' and ' city' are more dangerous places than the home. This assumption has led to crimes that occur in the private sphere being dismissed, ignored and allowed to continue without intervention. It is only in recent years that new legislation has enforced laws to protect those subjected to domestic violence. Family violence is now being taken seriously and the public being made aware of what is going on behind certain closed doors. The concept of crime occurring in the home attacks most people's general assumption that the home is safe or a place of refuge.

Family members are meant to protect each other not hurt one another. The idea that the private sphere may not be a safe one can be very damaging to how family life is viewed and perceived. The notion of the ' normal' family is challenged by the facts that domestic crime is prevalent in many different societies, cultures and family structures. The Home Office statistics show that men and women feel much more unsafe on the streets rather than in their own home.

The statistics on domestic violence show that 16% of crime is domestic. The victims are subjected to repeat assaults, on average it will take 35 assaults before a victim will call the police or for ask help. Two women die a week in relation to domestic crime. (Home Office, 2005). These results show that there is a serious need to start taking crime within the private sphere much more seriously.

New legislation has helped to protect victims and encouraged more to come forward and report crimes. The Domestic Violence, Crime and Victims Act

(2004) is expected to be implemented this April, 2005. This act will increase protection and help to support victims and witnesses. Women and children are mainly at risk of domestic violence but more increasingly so are men. A helpline has been set up for men who are subjected to abuse, alongside the child and women's help line. The elderly are at risk too and 'granny battering' was coined in the 1960's but only seen as a serious problem in the 1990's.

The public's concern for street crime is very high, sensationalized media reporting and the ever growing fascination of crime has led to fear. The development of moral panic has meant that the city streets are seen as potentially always a place of danger, with the home increasing as a place of apparent safety. There does not seem to be a mass public distress for some domestic crime, if the crime will not affect them directly then there appears to be a lack of concern. It is maybe hard for some people to understand or comprehend how crime could take place in the home and therefore it is dismissed and becomes invisible.

It is important to look at all the types of violence or abuse that occur in the private sphere, the oldest form of abuse was reasonable chastisement. This allowed parents to punish their children how they saw fit. This is now seen as abuse and is not acceptable. It also allowed husbands to chastise their wives as they saw fit, now known as conjugal violence. It was found that marital rape was the commonest form of rape and 14% of women had been raped by their husbands.

(Painter, quoted in Saraga, 2001, p. 210). Feminist campaigns brought about new legislation in the 90's and forced the issue of rape within marriage to be criminalized. These changing definitions on what constituted violence suddenly meant that people had to change their behaviours towards family members.

The 1861 Offences Against the Person's Act included some degree of protection towards wives but no specific law to protect them. The Matrimonial Causes Act in 1878 meant that women could get a separation order if they were in danger and their husband had been convicted. Again, this gave some protection but very little support. Feminist campaigning led to further legislation and the rights of the women being much more protected and women's confidence and rights began to grow. Domestic violence became a public concern in the 1970's, even though women had been suffering for years; it was only then that action started to be taken. This was due to movements for human rights being taken seriously and governments addressing the social issue of domestic crime.

The 'battered housewife' was then accepted as a serious problem but still official criminalization needed to be clarified. The popular belief amongst most men was that women deserved to be hit or punished. The 'rule of the thumb' clearly demonstrates the acceptance of violence from a man to his wife/woman. Even judges had the belief that 'bad' women should be reprimanded for their behaviour (Conley, quoted in Saraga, 2001, p.

206). This is a victim blaming discourse, where the fault lies with the women and not the perpetrator of the violence. As an awareness of domestic crime

developed within society, so people's different discourses on how families were viewed had to change. The patriarchal family discourse saw the male as head of the family and in control of his family, using reasonable chastisement and this was viewed as 'normal' and acceptable. The welfare discourse was about concern for the family and the 'social problems' they were experiencing. As domestic violence became more widely accepted as a crime, the welfare discourse was principal in child abuse cases.

The feminist discourses challenged the ideals of the 'normal' family and made violence noticeable to the public and viewed as a crime. The feminist movement revolutionized human rights and how people saw the family. Hidden crimes and truths came out and domestic violence was being taken more seriously. The feminist discourse discouraged 'privacy' to stop hiding domestic crimes. The intervention of the state was necessary in order to find out exactly what was going on in some households. Gordon (1989) believed that the outcry at the apparent attack on 'privacy' was actually a challenge to male authority.

(Gordon, quoted in Saraga, 2001, 1989, p. 215). The children's rights discourse developed and is still developing through the understanding that children needed to have basic human rights to stand up for themselves and seek protection. 1979 was the International Year of the Child which then proceeded with the United Nations Convention of the Rights of the Child ten years later. The 1989 Prevention of Cruelty to Children Act brought about more legislation and from this developed more organizations, police and authority intervention and help for children.

The topic of child abuse will now be discussed. The NSPCC Website has a facts and figures page where all the latest statistics can be seen. This is the list, some of the facts are very shocking, this essay will look at these figures and the domestic violence figures and try to assess why the dominant assumption is that 'home' is the place which is 'safe'(Hamner , quoted in Saraga, 2002, p. 192)