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Man Up! A Study of Representations of Masculinity and Domestic Abuse.

by

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Abstract

Social expectations govern how the male and female gender conduct themselves within society. Whilst these social expectations become engrained into the subconscious from a young age, social values and morals act as a form of social control. Thus, if an individual is seen to be deviating from these norms, society degrades that person. As a consequence, stereotypes and preconceived notions become part of a subconscious understanding of certain societal groups, particularly when looking at the relationship between victims and offenders of domestic abuse. Domestic abuse is a crime, which despite receiving increasing amounts of literature, media and legislative policy, there still remains preconceived ideas about who is an offender and who is a victim. A Magistrate is supposed to be impartial, overseeing justice for the good of the community. This research presents how Magistrates view domestic abuse within the court setting and whether there are preconceptions regarding both offenders and victims, using the ideal victim theory by Christie and the theories of masculinities. This qualitative research consisted of semi-structured interviews with seven Magistrates from a local Magistrates' Courts. The questions asked, centred on domestic abuse and incorporated questions relating to aspects of the ideal victim theory and the theories of masculinities. Overall, whilst not reiterating the ideal victim theory for victims, preconceived notions of an offender's appearance and demeanour suggested that stereotypes of a perpetrator were evident.

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1.Introduction

This research thesis will explore if preconceived notions of a victim and offender of domestic abuse are present in a Magistrates' courtroom. In order to explore whether preconceived biases were present, interviews were conducted with Magistrates, using two opposing theories: the ideal victim theory by Christie and the theories of masculinities. The research is focused on understanding the impact of these biases upon access to support services for male victims and offenders.

Society has certain expectations and values which are placed upon the male and female gender, these expectations govern how both men and women behave, the jobs each gender has and how each gender lives (Ickes and Barnes, 1978). However, when these social conventions and expectations are challenged, individuals risk being labelled and degraded from society. An example of challenging social norms is the emergence of youth subcultures whereby youths go against traditional norms in a visible way through music, clothes, language and behaviour: Teddy Boys, Mods, Skinheads, Punks and Rude Boys (Muncie, 2015:189). Consequently, youths who exhibit behaviour, which is believed to be going against social norms, are labelled deviant, regardless of what they are like individually (ibid:196). Behaviours include: smoking, drinking and anti-social behaviour.

Domestic abuse is a phenomenon which, despite increasing amounts of literature, media attention and policy still remains relatively private and invisible within society (Rawstorne, 2002:25). Domestic abuse is a complex and multidisciplinary subject to understand from a criminological, sociological, health and psychological perspective. Perspectives have included feminist scholars such as Dobash (1992), Millet (1970), Dobash and Dobash (1979), and Davis (1987), sociological: Strauss (1999), Gelles (1993), Smith (1990), victimologists: Hoyle (2007), Johnson (2005) and Buzawa and Austin (1993), including from a male victim perspective: Cook (2009), Dutton (2011), Lopez (2008), psychology: Nicolson (2010), Walker (1999) and Holtzworth-Munroe *et al* (1997), health: Jasinski (2004), Campbell *et al* (1995) and Black (2011) and from a legal perspective: Mastrocinque and McDowall (2015), Miller (2003), Potoczniak *et al* (2003) and Trujillo and Ross (2008).

Historically, violence was used as a form of social control. Indeed, it was common and seen as a male right to exert violence to discipline one's wife, (which was made illegal under common law towards the end of the nineteenth century). Domestic abuse is the assumption of power by an individual over another (Dobash, 1992: np) and unlike other crimes, any individual can be the offender and any person can be the victim (Cefrey, 2009:8). In addition to this, the victim and offender can only be assessed, after the incident has been reported. With violent crimes, such as domestic abuse, it is common for victims not to report their experiences of abuse to the authorities. This is often due to the fear of consequences that could be enacted or fear of not being believed by the authorities. Therefore, without victims reporting

their experiences to the police, society cannot understand the true extent of how much domestic abuse occurs.

To add to this, domestic abuse has a variety of names which can be used in research, in government policy and in everyday life: 'domestic violence', 'domestic abuse', 'intimate partner violence', 'family violence', 'gender violence' and 'family based violence', are terms which have all been used to describe and explain the severity of what domestic abuse is. The Home Office (2013) definition referred to 'domestic violence' but after a recent review has updated the phrase to include 'abuse'. As Richards *et al* (2008:12-13) states, the inclusion of the term 'abuse' places the issue of domestic abuse in a wider context. It also, captures the wide range of behaviours which are both criminal and non-criminal. Groves and Thomas (2013:10), when considering wider variations of domestic abuse, acknowledge the strengths and limitations of different words, phrases and the politics involved. Politics, meaning how victims view and term their experiences: Kelly and Radford (1990) and Walby and Allen (2004) both found that some victims do not name their experience as 'domestic violence' unless it involves severe and/or frequent incidents, including when the abuse is not physical. However domestic abuse is termed, it is a pattern of behaviour and abuse perpetrated by one person against another (Home Office, 2016). This thesis will use the term 'domestic abuse' as opposed to 'domestic violence' to show that domestic abuse is not only physical but can also be psychological, emotional, financial and sexual.

<u>The 'Ideal' Victim</u>

Christie's (1986) theory of the ideal victim explains how certain characteristics of victims gain more prestige over other victims, enabling the 'ideal victim' to be awarded the legitimate victim status. Characteristics include; the victim is weak, the victim has no relationship to the offender and was going about their everyday business, and the offender is 'big and bad' (ibid). Once an individual has gained the legitimate status along with the characteristics as a victim, characteristics are enforced into society's subconscious, by drawing immediate attention to that particular individual and emphasising the injury suffered by the victim (Greer, 2007:20). By doing this, these notions of injury become part of everyday language and discussed amongst the public and the media, thus the 'ideal victim' becomes engrained and emphasised into the subconscious minds of everyone living within society (Hoijer, 2004:514; Greer, 2007:22). The result of this is a one sided perspective of how victims appear to others and through the media, an example of this is the Victim Compensation Scheme (Ministry of Justice, 2016). Victims of crime can seek compensation within two years after an incident, even if the offender has not been caught as well as those who are deemed to have contributed to their own victimisation (ibid; Bednarova, 2011:5).

<u>The Theories of Masculinities.</u>

Connell (1987) and Messerschmidt (1993) proposed a theory of masculinities that incorporates a hierarchy in which all men are required to position themselves relative to the hierarchy through their behaviour, class, race and status (Anderson, 1997:658). The hierarchy consists of hegemonic masculinity at the top followed by complicit, marginalised and subordinate masculinity. Endorsed by societal values and practices, masculinities encourage the male gender to aim for the top of the hierarchy (Connell and Messerschmidt, 2005:831). Masculinities are multiple, fluid and dynamic, seen as positions that are occupied situationally through common practices and values (Jewkes *et* al, 2015: 113). The more respected qualities a man has, the more likely he is to be positioned towards the top of the hierarchy. When this masculinity is challenged by women and other men, these men exert domineering behaviour in order to regain control, violence can also be used to reaffirm a masculine identity, for those men who lack other means of demonstrating authority (Messerschmidt, 1993: np; Anderson, 1997:658). Like the ideal victim, the hierarchy is reinforced through peers, education, jobs and via the media. One can argue that men who are victims of crime, including domestic abuse, are pushed down in this hierarchy, as a result of falling below the expectations of what a man 'should be' which is dictated by society as well as their original position within the masculinity hierarchy. As a consequence, any help and support available to men who are victims may be avoided as "men are not victims".

The ideal victim theory and theories of masculinities are different fields of study yet run parallel with one another. Both theories examine how society relates to people who differ from the usual expectations, therefore, relating to the social pressure to conform to the values, trends and expectations which govern and dictate how individuals are viewed and received amongst peers. The ideal victim draws attention to the vulnerability of an individual and emphasising through public discussions, the specific characteristics needed to present why one victim is more 'victim-like' than others (Bednarova, 2011:7). The idea of a hierarchy of masculinities explains the aspiration that all men could potentially achieve, by adhering to the expectations set by society surrounding the male gender (Connell and Messerschmidt, 2005:832).

Christie's ideal victim presents how some victims of crime are not considered to be 'the model victim' for society: for example, Madeline McCann vs Stephen Lawrence. Madeline can be considered the ideal victim as she was a white child from a middle class background, in contrast to Stephen who was a black youth from a deprived urban area. The theories of masculinities by Connell (1987), discusses how the social expectations for men, make it very difficult for the male gender to be seen as victims. If they are found to be at the bottom of the hierarchy, the societal response is either judgemental, degrading or sympathetic and understanding, which can have a significant impact on the physical and mental health (Courtenay, 2000:1388). The consequences are a distorted perception of how individuals are perceived amongst peers (Ickes, 1993:71-72). The dynamics of which, easily translate into court, placing

pressure upon judicial personnel, including Magistrates, who are supposed to remove themselves from any potential biases.

<u>Magistrates</u>
A Magistrate is supposed to be impartial, administering justice in order to protect the public and the community. Magistrates are lay people which means, unlike Judges, there is no legal training or legal background. Magistrates represent the local community as opposed to Judges, who preside over cases from which criminals and victims differ socially and economically. As mentioned earlier, engraved expectations dictate how men and women are perceived generally but, in an offender vs victim situation, these subconscious thoughts can be heightened – the result of an offender seemingly deviating away from social norms and expectations (Cammiss, 2006:706). Whilst Magistrates would never openly admit stereotypes, there are potentially subconscious preconceptions of offenders and victims found by what they see, hear, experience, and the appearance of both offender and the victim (ibid).

A Magistrates' position over others, as an authority of power, has an equal bearing in how they are perceived by both the offender and victim, therefore even if they felt sympathy towards an offender, this could not be demonstrated as this would be contrary to public expectations of a Magistrate. The aim for this thesis is to explore if preconceived notions of a victim and offender, in accordance with Christie and Connell, are present within a Magistrates' courtroom. If Magistrates subconsciously refer to their understanding of social expectations, they risk inducing mistrust of the Criminal Justice System by the victims and potentially affecting the services available

to them. These vital support services are available before, during and after a domestic abuse case goes to court. Therefore, do court stereotypes affect access to services by victims, in particular male victims, or are preconceived notions of a domestic abuse offender or victim based on the experience of the Magistracy and the resources available relating to domestic abuse such as statistics, training and reports.

2. Domestic Abuse Legislation, Policy and Support.

Introduction

The aim of this chapter is to provide an overview of the legislation, policies and the support given to victims of domestic abuse. This chapter will also include the training given to Magistrates regarding domestic abuse. Unlike other crimes, domestic abuse does not have its own legislation, instead is prosecuted under different statutes. Current domestic abuse legislation and policies, provide mechanisms to prosecute perpetrators, and often refer to the prevention and/or reduction of domestic abuse as opposed to the understanding of the complexity of being a victim of domestic abuse.

Definition and Legislation

The Home Office (2016) developed a universal definition in order to ensure clarification into what constitutes domestic abuse; *"Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to, the following types of abuse: psychological, physical, sexual, financial emotional".* This Government definition, which is not a legal definition, is not gender specific, highlighting the fact that anybody can be a victim of domestic abuse. The Home Office (2016) also defined the terms controlling and coercive behaviour, these definitions can be found under *section 76 of the Serious Crime Act 2015: "Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities*

for personal gain, depriving them of their means needed from independence, resistance and escape and regulating their everyday behaviour. Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim" (Serious Crime Act, 2015).

The new offence of coercive and controlling behaviour closes the gap in the law surrounding psychological and emotional abuse, which is not covered under physical abuse. According to the Home Office (2016:3), the offence of coercive and controlling behaviour recognises the harm caused by coercion or control upon the victim. It also focuses responsibility and accountability upon the offender, who must have known that their actions had a serious effect on the victim (ibid). Different types of behaviour can include: isolating a person from their friends and family, threats to reveal or publish private information, deprivation of basic needs, repeated criticisms and derogatory remarks such as telling someone that they are worthless and enforcing rules and activity which humiliate, degrade or dehumanise the victim (Home Office, 2016:3).

Domestic abuse is tried under separate acts, *section 76 Serious Crime Act 2015*, the *Domestic Violence, Crime and Victims (Amendment) Act 2012* which amends both *Domestic Violence, Crime and Victims Act 2004* and the *Family Law Act 1996*, extends provisions to help reduce domestic abuse – these provisions include breaching a non-molestation order and restraining orders found under the *Protection from Harassment Act 1997.* The amendment act also created a new offence of causing or

allowing the death of a child or vulnerable adult (Ministry of Justice, 2012). The offence of causing or allowing the death of a child is intended to fill a gap in the law where fault cannot be attributed to one particular person, despite evidence indicating that the injuries had been sustained within that household. In addition, the offence prevents offenders from escaping justice by remaining silent or blaming someone else (ibid).

Finally, *section 120 Adoption and Children Act 2002*, amended the definition of harm in *section 31 Children Act 1989* to include the witnessing of domestic abuse giving a reason to take action to protect a child from harm – 'impairment suffered from seeing or hearing the ill-treatment of another' (Adoption and Children Act 2002). This offence makes provisions for secondary victimisation to be recognised legally, in the Magistrates' Courts secondary victimisation is often referred to as 'Injured Party' (IP).

England, Scotland, Wales and Northern Ireland, have different policies in how to reduce domestic abuse - the Government for each nation has set out their own policy for tackling abuse. For the purposes of this thesis, policies from England and Wales will be explained below. The *'Domestic Violence Disclosure Scheme (DVDS)'* which is often referred to as 'Clare's Law' means that any individual has the right to ask the police to check and disclose information about a new or existing partner depending on whether that person is at risk of being a victim of domestic abuse (Woodhouse and Dempsey, 2016:12). Woodhouse and Dempsey (2016: 12) state that police data has shown that from March 2014 to January 2015 a total of 5, 415 applications had been made under Clare's Law of which a total of 2,235 disclosures had been made (ibid).

The College of Policing (2016) produced an Authorised Professional Practice, which consolidated and provided updated guidance on domestic abuse. These new clear guidelines are set to identify risk, coercive and controlling behaviour, the vulnerability of the victim and to advise officers on how to proceed, when a victim does not support a prosecution (College of Policing, 2016). The Authorised Professional Practice provides guidelines for all departments within the police especially call handlers and first response, whose responsibility it is to conduct a risk assessment, by assessing the vulnerability of the victim and then to safeguard that victim from an offender. Unlike other guidelines, the professional practice sets out specific responsibilities for senior officers. These responsibilities are to ensure that a specialist body of officers are adequately trained to deal with domestic abuse cases

(ibid). These guidelines also contain details on how to handle certain groups of victims: male, female, LGBT, disabled, teenagers, familial abuse victims and victims from former armed services (College of Policing, 2016). Having this additional knowledge enables the police, when responding to a domestic abuse incident, to have more of an understanding of how to build a rapport with the victim whilst encouraging them to understand that their accusations are believed (ibid).

Domestic Violence Protection Orders (DVPOs) can be found under section 27 and 28 of the *Crime and Security Act 2010*. Police and Magistrates can, in the immediate aftermath of an incident, ban a perpetrator from returning to their home and having contact with the victim (Woodhouse and Dempsey, 2016:10). The main aim of a DVPO is to help victims consider all options and provide them with immediate protection from a violent and/or abusive situation (ibid). The scheme is comprised of a Protection Notice (DVPN), authorised by an Inspector of the Police Force, followed by the Protection Order authorised and imposed by the Magistrates. A DVPO is actively placing the victim first, promoting a sense of justice in so far as it is the perpetrator leaving the family home and not the victim (Clarke and Wydall, 2015:20). In addition to this, a DVPO restricts and isolates a perpetrators' behaviour, therefore the power of authority has altered from the offender having total control to allowing the victim to decide and to control the situation (ibid, 2015:20). Domestic Violence Protection Orders will be analysed later in this thesis. A Freedom of Information request obtained revealed that in Kent alone 265 DVPOs have been applied for since

2014 – of which 245 applications have been made in respect of male offenders and 20 applications have been made in respect of female offenders (Grant, 2016).

'Ending Violence against Women and Girls Strategy 2016-2020' is an extension of previously entitled *'Ending Violence against Women and Girls 2010 and 2014' (*HM Government, 2010; Home Office, 2014). This policy continues to build on the key framework outlined in 2010: prevention, provision of services, partnership working and pursuing perpetrators. It focuses on transforming social attitudes and behaviours, educating and helping schools to have access to effective resources for teaching about healthy relationships and to work with professionals in preventing domestic abuse in the first instance when abusive behaviour becomes apparent (HM Government, 2016:8-10). Furthermore, the current strategy builds on the need for specialist support, including accommodation for victims with complex needs. Services in local areas are encouraged to identify and cooperate with other agencies to ensure that all services can spot early signs of abuse and intervene quicker (ibid). The difference between the strategy in 2010 and 2016 is the promise that elected representatives across England and Wales will show the political will and accountability necessary to achieve change, and if standards are not met then everyone in a local area is permitted to hold elected leaders to account through collected data.

The Victim's Code (Ministry of Justice, 2015), which is a statutory code which must be provided to victims by organisations in England and Wales. This Code of Practice for Victims of Crime is part of a government strategy to transform the Criminal Justice System and to ensure victims of crime are treated in a respectful and sensitive manner, by receiving support, help with recovery and protection from re-victimisation (ibid). The services which are included are: The Victim Personal Statement, Restorative Justice and the entitlement to be continuously informed throughout the process including of the offenders' plea. Included under the Victim's Code is the opportunity to apply for compensation, under the Criminal Injuries Compensation Scheme. All victims are entitled to claim compensation from the offender during the court process. Victims can also claim compensation, even if the offender has not been caught but was reported to the police within two years of the incident occurring (Victim Support 2016, Ministry of Justice, 2016).

There are various charities which offer help, support, counselling and advice to victims of domestic abuse, these include Victim Support, Woman's Aid, Refuge, Mankind Initiative and Men's Advice Line. All charities who work with victims of domestic abuse, not only provide emotional support but confidentiality regardless of whether or not the abuse has been reported to the police. Victim Support (2016) is an independent charity for people who are affected by crime in England and Wales. Victim Support offers individual, independent, emotional and practical support to victims, to enable victims to recover from the effects of crime (ibid). Victim Support provides services for victims from all crimes such as domestic abuse, rape, arson, cybercrime, burglary and hate crime. As well as this, the charity helps witnesses prepare for all aspects of a criminal trial, sending a support worker to court so that both witness and victim may feel able to give evidence in a courtroom (ibid). With regard to domestic abuse, Victim Support provide different services depending on the needs of the victim, including an Individual Domestic Violence Associate (IDVA) who advise on what action is suitable and caseworkers who provide emotional and practical support within the local community – organising meetings with police officers and health services.

Woman's Aid was set up in 1974 in the midst of feminist research on domestic abuse and since then, has continued to provide support, education and information on all aspects of domestic abuse for victims (Woman's Aid 2016). As well as this, arranging training for professionals working with victims of domestic abuse: counsellors, psychologists, medical personnel and social workers. Likewise, Refuge is also a

woman and children's charity which, like Woman's Aid, offer advice and support but also accommodation in a secure location. In addition, Refuge also undertake political campaigns such as '#KnowHerName' in 2015, to highlight the real women behind statistics (Refuge, 2016). Refuge also undertake a vast amount of research – to continue to understand the different aspects of domestic abuse, such as the financial implications for women, the impact on children and the ability of domestic abuse victims continuing in employment (Refuge, 2016).

Mankind Initiative and Men's Advice Line are two charitable organisations which deal specifically with male victims of domestic abuse. Mankind Initiative was set up in 2001, providing help and support for male victims of domestic abuse, actively encouraging voluntary services to acknowledge and view domestic abuse as gender neutral, in order to provide adequate levels of support (Mankind Initiative, 2016). Like all charities who help victims, Mankind Initiative seeks to ensure recognition and support for victims and make sure male victims are fully integrated into society's view of domestic abuse: statutory and non-statutory (ibid). Men's Advice Line is another helpline, which not only provides guidance to male victims but also extends to family and colleagues who are concerned over an individual's welfare (Men's Advice Line, 2016). This is the main difference from Mankind, Woman's Aid and Refuge whose priority is for the victims themselves, Men's Advice Line provides an opportunity to those close to a victim to voice and report their concerns before a victim does, this can trigger early intervention to remove a victim from an abusive relationship (ibid).

<u>Magistrate's Training for Domestic Abuse</u>

Magistrates' training is based on competences, according to the Magistrates Association (2016). As Magistrates do not have the legal training or background, competency training is a method to ensure a Magistrate has the knowledge and ability to fulfil the role. In addition, training includes understanding each courtroom role: including the Chairman and Wingers within adult, youth and family courts. Both the Judicial College, Justice Clerks and Magistrates Association provide training materials, courses and good practice guidance to ensure a high standard (Magistrates Association, 2016). Magistrates continue to be observed and trained throughout their time as a Magistrate, and after three years, continuation training and appraisals takes place to ensure the high standard of competency is met. Update training on any new legislation and procedures is delivered and lastly, threshold training. Threshold training accompanies each development in a Magistrates' role, including intensive training to become the Chairman of the Bench or a Presiding Justice (ibid).

Magistrates are governed under *Chapter 43 of the Magistrates Court Act 1980*. This act makes provisions and consolidates matters relating to the jurisdiction of, and the practice and procedure before, Magistrates' courts, including the function of justices' clerks. The Act covers all situations and procedures that will occur: bails, appeals, depositions, witnesses and evidence, the correct positioning of each Magistrate on the bench, timing of each case and offences triable on indictment, either-way or summary (Magistrates Court Act, 1980).

Unlike the initial and continuous training Magistrates have, training for domestic abuse is usually the responsibility of the Justice Clerks. Gibbs (2016:10-12) and Binns and Martin (2014: 145) state that Magistrates, set aside dates every year in order to have specific training on new legislation or to improve knowledge about certain crimes. These training seminars usually occur within the courthouse on specific days. Magistrates are an important part in dealing with the cases brought before them in court. Transform Justice (2015) argues that delivering training to Magistrates about domestic abuse is vital yet seems to occur infrequently. This draws direct comparison to other criminal justice institutions such as the Police and Crown Prosecution Service where training sessions surrounding domestic abuse are continuous (ibid). Therefore, if Magistrates want to attend training and seminars not within their own jurisdiction, the specialist training that is vital to understanding the complexities of domestic abuse, simply will not happen, unless they attend the course in their own time and at their own cost (ibid).

<u>Conclusion</u>

This chapter was to provide an overview of the legislation, policies and support to victims of domestic abuse. Domestic abuse is not prosecuted under one statute, instead offenders are tried under a variety of different offences. The policies and legislation, currently in place, often refer to prevention of domestic abuse rather than defining domestic abuse in its entirety. To be most effective, domestic abuse needs to be understood on an individual and social level, understanding the complex mechanisms which prevent victims from reporting and offenders abusing. By distributing this knowledge and understanding, it can help to potentially reduce the levels of domestic abuse. Charities and support services provide an access point for victims before, during and after court proceedings, not only providing advice and guidance for victims but also for family members, friends and colleagues concerned about an individual who may be subject to abuse. Support services provide clarity about the relevant legislation and policies in place, in return, services provide effective and adequate support to those who need it most. Magistrates training on domestic abuse is not as frequent as one presumes, this could be the result of recent cuts to the Ministry of Justice. But it is important that all Magistrates have the necessary training in order to understand the complexities of domestic abuse, the appropriate support needed for victims and the relevant outcome for the offenders. Despite these concerns, once domestic abuse training does happen, it enhances knowledge and encourages Magistrates to examine and analyse in detail each fact of the case brought before them, therefore being able to give the most suitable sentence to the perpetrator with conviction.

3. Literature Review

<u>Introduction</u>

Beasley (2005:11) suggests that gender typically refers to the social process of dividing individuals and social practices in accordance with sexed identities. Moreover, this gendering process involves hierarchies between the divisions it enacts. Gender refers to one or more categories of sexed identity, which are either privileged or devalued - thus, masculinity and femininity are social constructs that distinguish characteristics believed appropriate and core to being a man and a woman (Philips, 2010:109). Gender constructs provide men and women with different life course opportunities and encounters. However, these expectations can also distort perspectives of individuals, seemingly going against what society expects from each gender. Male victims, especially, find it difficult to report crime as, being considered a victim, it is going against the traditional male gender expectations (Banks, 2007:3).

Using domestic abuse as an example, the ideal victim theory and theories of masculinities will be examined to show how these perceptions can affect victims and offenders from a Magistrate's perspective. Domestic abuse is an issue, which is continuously investigated and researched and has prompted numerous prevention strategies from the Police, Charities and Parliamentary officials. In this literature review an in depth examination of victimisation, Christie's ideal victim theory and the theories of masculinities will be explored. Lastly, research into Magistrates will be

explained, particularly focusing on a Magistrate's courtroom and how this can potentially increase subconscious biases.

<u>Victimisation</u>
The essence of modern, adversarial criminal justice in England and Wales is primarily a contest between State and offender (Shapland and Hall, 2010:163). Victims, according to Kearon and Godfrey (2007:29), are now considered to be 'complex actors' – growing in campaigns surrounding victim's rights and interacting in criminal justice debates, this would indicate an empowerment due to the change in policy initiatives dealing with crime victims, for example restorative justice. Kearon and Godfrey, (2007:29) state that victimology is a sub-disciplinary area of criminology, designed to examine individuals who have been subjected to physical, emotional and financial harm. Studying the relationship between an offender and victim, Farrall and Maltby (2003:32) explored these connections between victim and offender to understand in greater detail the complexity of this bond, as opposed to seeing victims and offenders as two separate groups and concluded victims of serious crimes including domestic abuse, need support in order to remove themselves from that particular situation. Karmen (2013:3) notes that victimisation is an asymmetrical interpersonal relationship, which can be destructive, painful, unfair and abusive.

During the late nineteenth century, a victim of crime was either ignored in criminological debates or portrayed as a passive figure in the criminal justice process (Hoyle and Young, 2002:525; Kearon and Godfrey, 2007:30). In the vast majority of cases, the victim provided the evidence and the financial means for the prosecution of crime. Victims of crime were 'rediscovered' during the late 1950s and 1960s, leading to public discussion and debate to the needs and wants of victims (Karmen, 2010:32). The re-emergence of the victim, namely the Victims' Movement, emerged in the 1970s through feminist activists, under the principle that victims are entitled to regain control over their lives with practical assistance and involvement in the criminal justice process (Strang, 2001:73; Smith, 1985:52; Elias, 1990: np). The *Criminal Justice Act 2003* was an attempt to enact policies for victims and reduced procedural rights for offenders (Tonry 2010:72). This enactment caused the National Victims' Conference to state, that the Government must ensure that the Criminal Justice System was rebalanced in favour of victims, continuing to give rise to punitive populism whilst juxtaposing the interests of offenders and victims in a wider context (National Victims Conference, 2004:9; Matravers, 2010:1; Kearon and Godfrey, 2007:31).

Mythen (2007:464-466) states that up until recently, crime control had been skewed towards preventing crime as opposed to resourcing the needs of victims. This one sided argument is evident in criminology which, as the name suggests, focuses on the offender rather than the victim. Mythen (2007:464) argues that the structures in which victimisation is defined: understanding the term 'victim', experience of victimisation and the characteristics attributed to victimhood are increasingly shaped and influenced by societal expectations and cultural understandings. The media is used for the transmission of information so that the general public may know what is occurring in the world at any given moment (ibid: 467). However, it can also be the transmission of incorrect opinions, biases and stereotypes; often influenced by those with a certain level of authority, for example the police and the Government (Davies *et al,* 2003: np). This means that, crime is carefully selected to serve the interests of journalists and politicians who often sensationalise the perception of crime whilst distorting or downplaying the reality.

Mythen (2007:478-479) concludes that social and cultural trends influence the ways in which individuals within society view themselves as victims of crime, along with the processes which blur perceptions of crime with media representations and the political stance on crime. This has an impact on the 'real' crime victims. Victimology tries to understand the effect of these representations, by trying to comprehend and deconstruct the language of victimisation and the production of 'the victim'. To understand what it means to be a 'victim', society must first recognise the effect of a cultural construction of a victim and its relationship with social control.

Becoming a victim is defined by Christie (1986) as a phenomenon, subjective to the individual. Indeed, the term 'victim' is used and misused to describe individuals and circumstances, for example, a colleague using another's pen and not returning it, is classed as theft under the Theft Act 1996 however, the majority would not consider this to be theft nor themselves to be a victim of crime. Christie uses an example of running a race for fun in which a competitor does not share with the other competitors that they are a running champion; as a result, some would believe they are victims of not knowing key information (Christie, 1986:17). According to Christie (1986:18), becoming a victim is not an objective phenomenon, it is not the same for everyone and it has to do with how individuals interpret the situation. To be a victim, Christie (1986:18) points out that personalities on an individual and social level have to be examined, the tendency to view oneself as a victim might be from the perspective derived from a personality trait and on a social level, victimisation may seem to occur frequently but victims are not always seen (ibid).

As outlined in the introduction, Christie explains how certain characteristics of victims are given more prominence over other victims within society – an ideal victim. Christie (1986:18) argues that a victim does not perceive herself or himself as a victim, instead it is within society in which the victimhood status is bestowed upon them. Christie (1986:18) defines the ideal victim as being "a person or category of individuals who, when hit by a crime, are given the complete and legitimate status of being a victim". To Christie (1986:18), the ideal victim is not just a public status but also an abstraction similar to 'heroes and traitors', in other words, it is difficult to

know who counts as an ideal victim but like 'heroes and traitors' they can be exemplified (ibid). To be considered an ideal victim, the victim is weak, the victim has no relationship to the offender, is going about their everyday business, and the offender is 'big and bad' (ibid). In addition, the ideal victim must be able to balance innocence, vulnerability, sympathy and attention (Bednarova, 2011:4). Identification as an ideal victim is connected with vulnerability and innocence, thus the nearer the individual fits the identification as an 'ideal victim', the more likely it is that the victim will receive attention from victim support and the Criminal Justice System (Smolej, 2010:81).

Society, together with the media has played an important role in the construction of ideal victims, often by selecting the most newsworthy, in turn, enforcing this representation of what and who is a victim of crime. On the other hand, as Digman (2005: np) points out, these representations are not just used by society and media but can also be used by victim support groups to emphasise victim interests, thus not potentially excluding other victims, but confirming some preconceptions that the public have of victims. This point is reflected in Smolej's (2010:70) article, which argues that portrayals of crime and deviance conveyed through the media, especially the news, are seen as a vital aspect of social control, determining how modern society handles and defines moral values. Moreover, the purpose of conveying crime across the media is to stir moral anger, to show that all deviants will be punished (ibid). Yet, the risk of using the media as a form of social control is a distorted image of crime

and offenders and it is this distortion, which leads to preconceived notions or biases about certain crimes, victims and offenders.

Christie's theory of the ideal victim has been criticised for being gendered. Walklate (2007:27) states the term 'victim' has become a problematic concept for practitioners working with victims. Whilst the dictionary definition of the term victim is defined as "a person harmed, injured or killed as a result of a crime, accident or other event" (Oxford English Dictionary, 2016:630). The use of the term 'victim' has come to connote an individual who has suffered some kind of misfortune (Spalek, 2006:9). Walklate (2007:27) states that the genealogy of the word is feminine, for example the French translation for victim is 'la victime' - implying passivity and powerlessness associated with being a victim, but also relates to the gender construction of being a female. As a result, many of the charities who support victims of domestic abuse including some victims themselves prefer to use the term 'survivor' instead of 'victim' as it evokes a sense of empowerment.

At the same time, Christie's theory promotes a sense of power behind those who are deserving of the authentic status of victim and those victims who are not (Walklate, 2007:28). These ideal images are of predominant concern for Rock (2002:10) who argues that the process of acquiring the status of victim has a significant effect on their identity as an individual. Furedi (1997: np) notes that this can have a negative impact not only on their experiences of the Criminal Justice System, but also on their personal identity. As a result, subsequent policies to provide help and support for

victims enshrines the importance that the victim must be innocent (Walklate, 2007: 28). Therefore, it is clear that becoming a victim is more complex than first assumed. To achieve victim status, according to Walklate (2007: 45) and Carrabine *et al* (2004: 116-117), involves an individual recognising and negotiating with agencies in order to receive the most appropriate form of response. As a consequence, much like with theories of masculinities, the concept of victimisation and the process in which an individual becomes a victim involves a hierarchy of importance; at the bottom would be groups whom, due to lifestyle, would be more susceptible to victimisation whereas at the top of the hierarchy would be media images of the innocent elderly lady or a young child subjected to crimes.

Largely rooted in the ideal victim theory is the notion of sympathy for the victim; the victim is weak in comparison, and the victim is going about their everyday business. It is important to understand sympathy within a societal context, as emotions are part of the communication of ideas and opinions, allowing others to engage with the external signs of affection and conversation (Wispe, 1991: np). In other words, sympathy forms the necessary social relations as an impartial spectator. Wispe (1991) makes reference to Adam Smith's The Theory of Moral Sentiments dated 1759, exploring and analysing the concept of sympathy in relation to individuals and society. Arguing that society depends upon its institutional structures and functions for its existence. All individuals including deviants may live together as long as they obey rules and do each other no harm (Wispe, 1991: np). The assumptions made by society, concerning victims and the need for order and justice through obedience and

morals, help to explain why the ideal victim is an element of social control or indeed, an element of preconceived notions of victims and offenders. Society dictates that such unprovoked malice should be restrained by proper punishment and victims should be empowered (ibid: np). The empowerment from society will naturally project some victims over others due to the stability of them having no previous 'deviances' from social values.

<u>The Theories of Masculinities, Connell and Messerschmidt</u>.

The study of masculinities is concerned with a hierarchical construct of what it means to be a man (Kimmel and Bridges, 2011: np). Masculinity, according to Connell (2000) is a social position, a set of practices, and the effects of the embodiment of those practices: between individuals, relationships, institutional structures, and global relations of domination. The study of masculinities begins with the feminist recognition of criminology's failure to address the 'sex' of crime, that is, the impact of masculinity as to induce criminality (Collier, 1998:17). Whitehead and Barrett (2001:6) explain that masculinity is now being subjected to a crisis, that is, that many men yearn to perform and validate their masculinity but behaviours linked with validating masculinity are self-destructive, such as aggression and the disregard of emotions. Displays of manhood, which were seen as appropriate for the 1950s, for example, are socially stigmatised and debased within the current discourse. The concept of 'changing masculinities' in the Western world is one of study and debate: Clare, (2000) Faludi, (1999), Bly, (1990).

Faludi (1999:np) stated the plight of the modern American man, highlighting the evolution of women in jobs and lifestyle to demonstrate how men feel, in comparison to their fathers, less confident of making a living. Following this, Clare (2002:215) argued that men faced a struggle between a public persona and a private one, the expectation to be masculine differ when confronted with different situations such as friends, partners and work. Bly (1990:20) believed that white, middle class men were in need to come together and 'mourn' for the loss of the strong father figures and

meaningful work in the wake of the women's movement. Bly (1990:27) explicitly stated that men or young men were suffering as a result of losing the natural aggression and anger within them.

Collinson and Hearn (2001:145-147) state the intrinsic relationships between individuals and the activities which men participate in, often require a dominant response to control and accommodate the interests of other men. Ostrov *et al* (2006:404) notes that relational assertion is exerted through relationships with peers to assume control, influence and manipulation to gain social status, however, achievement of a social status does not come from harm or aggression.   The foundations of masculinity are laid down in childhood, the experiences of family, school and peers (Tolson, 1977:121). West (1996:4) explains how the roles of boys were defined starting from 1920s up until 1990s.

Until the 1920s onwards, gender roles were much more defined; boys were expected to assume the role of their fathers by being responsible for others. By the 1940s, boys had to be seen to be tough, including being taught that boys do not cry. The evolution of masculinity and what it meant to be a man became instilled into young boys as a way to guarantee a 'masculine' man (ibid). Tolson (1977:122-123) states, masculine behaviour is rooted in conventional family relationships however, when the family is dysfunctional, a boy's gender identification is disturbed by the alienation of a father figure. Consequently, male behaviour is learned through trial and error

and indirection (ibid). Thompson and Langendoerfer (2016: 120) and Bartholomaeus and Tarrant (2015:2) both argue that once dominant masculine behaviour has been internalised, this continues throughout the lifetime and indeed, the older generation often maintain the complicit and hegemonic stance. This is achieved either through the acquisition of respect or as a projection of an aura of toughness, and the independence to be risk takers – older men tend to reflect the younger dominant masculinity.

The correlation between how boys and young men were taught masculine principles stemmed from the social values and practices at the time, but masculinities are subject to change due to popular media images, a change in attitudes and expectations of how men should perform and act within society (Whitehead and Barrett, 2001:7). Connell (1995) and Messerschmidt (2005) proposed a theory of masculinities, incorporating a hierarchy in which the male gender is required to position themselves relative to the hierarchy through their behaviour, race and status. The hierarchy consists of hegemonic, complicit, marginalised and subordinate masculinity and as mentioned in the introduction, the more respected qualities a man has, the more likely he is to be positioned towards the top of the hierarchy.

<u>Hegemonic Masculinity</u>

According to the masculinity hierarchy, hegemonic masculinity is the highest form of masculinity the male gender can potentially achieve. Whitehead (2002:90) defines hegemonic masculinity as the dominant male, reflecting upon hegemony as an idealised form of masculinity; a man who exhibits strong, independent, socially and economically stable, aggressive, competitive and determined behaviour (Whitehead, 2001:79). Connell's theory of hegemonic masculinity takes roots from Gramsci's analysis of class relations; referring to dominance being attained through consensus as opposed to regular force (1971: np). Connell and Messerschmidt (2005:77) defined hegemonic masculinity as a set of values which embodies the currently accepted answer to the problem of the legitimacy of patriarchy, which guarantees the dominant position of men and the subordination of women. The concept of hegemonic masculinity is concerned with gender and social hierarchy, including the rationalities and processes of men adhering to their own expectations (Connell and Messerschmidt, 2005:831). Thus, hegemonic masculinity does not simply operate through the subordination of femininity but through the subordination and marginalisation of alternative masculinities (Schippers, 2007:87).

Jewkes *et al* (2012:14) defined hegemonic masculinity as access for men to power and the interplay between a man's identity, ideals, interactions, and patriarchy. For Connell and Messerschmidt (2005:830) hegemonic masculinity explains why men continuously affirm their manhood against other men, in addition to this, Connell (2005:77) explains that a man exerting hegemonic masculinity is often projected through media outlets: via film and television. The media is a way of reinforcing

hegemonic ideals by presenting an ideal man and an ideal woman to an audience. For example, a war film encompasses and explores themes such as heroism, nationalism, justice and morality. In addition, it depicts power relations between groups of men and the psychological and physical struggles of combat (Hatty, 2006:460). The male gender is visible and has a unique presence in the public domain, however, men can also be fractured and disconnected – not taking into account different types of masculinity amongst colleagues (ibid:452). The public domain is increasing the sphere of display; social media, gyms and magazines promote a new culture of the masculine man and each contribute to this hegemonic ideal, which some young men wish to be (Hatty, 2006:453). Indeed, Renold's (2001:381) study found dominant and hegemonic forms of masculinity exhibited by young boys in Year 6 (primary school), of which some boys would bring 'outside' behaviours into the classroom such as bullying high achievers, devaluing girls and re-positioning their achievements as failures, so that they may avoid being considered alternative.

Duncanson (2015:2) is critical of hegemonic masculinity as a concept and refers to those who serve in the armed forces, as an example of its inadequacy. Whilst acknowledging that hegemonic masculinity is a useful concept in understanding the army culture and the relationships between commander and solider, the concept of hegemonic masculinity is contradicted by the nature of the army. Western militaries are concentrating on peace building operations and stabilisation of countries yet in training they are effectively taught to dehumanise an enemy (ibid: 14). Therefore,

Duncanson (2015:14) argues that hegemonic masculinity must be subject and open to change, to accommodate 'feminised traits' and the forging of more equal relations. Equally, Demetriou (2001:337) is critical of hegemony's theoretical merit. Demetriou (2001:355) believes the concept of hegemonic masculinity should not be seen, as above other masculinities, instead it should adapt itself to the specialities of new historical conjunctures. As a hybrid, masculinity or internal hegemony, will change through appropriation and negotiation to remove contradictory content that hegemonic masculinity reproduces by itself (ibid).

<u>Complicit Masculinity</u>

Complicit masculinity is a form of masculinity, which is not the dominant masculinity but does support the hegemonic principle; certain men may not fit into the characteristics of hegemony but will use elements of hegemony in everyday life. For example, men may use aggression and determination as a way to secure a business contract yet alter when outside of work, to this extent, complicit masculinity is a more acceptable form of masculinity than hegemony (Connell, 2005:76; Kahn, 2009:35). Complicit masculinity does not necessary agree with the full hegemonic philosophy but benefits from this hegemonic form (Hirose and Pih, 2009:7). For complicit masculinity, reliance on conventional masculine behaviour benefits the individual when participating in sports even if he prefers to do otherwise (Hirose and Pih, 2009:7). Complicit masculinity is typically associated with men who are considered to be 'family men', those who are willing to compromise for the sake of their friends, family and work (ibid). Connell (2005: np) and Goffman (1959: np) both state the vital component of complicit masculinity is the presentation of self and the reaction of others is key to gain the benefits or privileges of hegemonic masculinity.

This type of masculinity is most applicable when looking at male victims and male offenders of domestic abuse (Goffman, 1959: np). As past studies and statistics indicate, men are less likely to come forward to report their experiences of victimisation; this could be the possible response for men to avoid repeat victimisation, who are willing to disregard offender's actions, for the sake of the family. On the other hand, for domestic abuse offenders, complicit masculinity can be an indication of offenders aspiring to become hegemonic but the frustration of

not being able to achieve this ideal (Kahn, 2009:20). Complicit and hegemonic masculinity are the most common forms of masculinities which society expects from the male gender and is routinely reinforced into men from a young age.

Marginalised Masculinity

Marginalised masculinity, is described by Connell, as always relative to the authorisation of hegemonic masculinity. Marginalised masculinity is a form of masculinity that when exerted does not belong within hegemonic or complicit ideals due to characteristics such as race, ability, class and status (Connell, 1995:81; Hiroshe and Pih, 2009:8). In other words, men whose masculinity is marginalised are viewed to be less privileged than other men. Masculine privilege is defined as the concept of men having natural, unearned benefits, rights and advantages within society. However, men who exert marginalised masculinities despite having masculine privileges may have one or more of these oppressed (Bolich, 2007: np). An example is the privilege of social space within a room: men with disabilities in an able-bodied room are more likely to be socially ostracised based on their disability. To a certain extent, social justice determines the factors, which dictate who has the most power and privilege amongst masculinities (Stanistreet, 2005:244).

Marginalised masculinity is illustrated by Connell by referring to the appropriation of black culture by whites, for example: rap, hip-hop and some black sporting stars have become a symbol of 'male toughness' (Hirose and Pih, 2009:89). Marriott (2006:7) states studies into black masculinity have altered critical understandings of ethnic men: the differences in their own social attitudes and values. Researchers such as Frazier (1966) previously theorised that ethnic kinships were based on dysfunctional gender relations and viewed ethnic sexual cultures as the extreme reflection of hegemonic masculinities (ibid). However, as Marriott (2006:7) states, these research studies analysed male identification with racist stereotypes. In addition to this, race

relation theories were challenged as debates on ethnic culture and identity presented ambivalent and contradictory explanations (ibid).

Hall *et al* (1978: np) adopts the term hegemony to address the way in which a class achieves dominance in society, with a combination of consent and coercion. Instead, the class interrelations were responsible for the rise of a new racism in the 1970s; the police and media racialized representations of ethnic men and youth. As a result, racist remarks infused the hegemonic principle in the exclusive English cultural identity (Marriott, 2006:11).   As Groes-Green (2009:300) argues, the tendency in studies of African masculinities to term all male power a 'hegemonic', risks missing the complexity of gender hierarchies and blurs the inherent implication of class and social inequality to all males.

Subordinate masculinity has come to be defined as men who exhibit characteristics opposite of values in hegemony. Similar in definition to marginalised masculinity, subordinate masculinity explains how failure to adopt physical or risky behaviour undermines an individual to a subordinate status (Courtenay, 2000:1390). Connell (1995:76-78) illustrates this, by stating subordinate masculinity is the 'repository of whatever is symbolically expelled from hegemonic masculinity', the complete opposite of what hegemonic masculinity represents (Hiroshe and Pih, 2009). Subordinate masculinity is established because of what masculinity generally embodies in its 'external' relation to femininity (Demetriou 2001: np).

The most common associated group is homosexual men in that 'gay men' are automatically perceived to be subordinate to straight men, in terms of social status and prestige. However, it can also be by a series of material practices including political, cultural, economic, and legal discrimination (Demetriou, 2001:344). Edwards (2006:159) argues that the majority of literature concerning homosexuality and masculinity was written by straight men, about men, for men - gay men occupy a complex position; to some it is a direct challenge through non-conformity to certain roles, for others it is simply sexual preference (ibid: 170). For example, Anderson (2008:106) studied masculinity in sport: heterosexual athletes against homosexual athletes, and argued that some gay male athletes were stigmatised for being gay but have the strength and competitiveness of a heterosexual athlete, undermining the principle in which sport conveys: the hegemonic ideal (ibid:201). Certainly, sport for

men is a way to dominate and exert aggression, determination and physical strength, traits traditionally associated with hegemony and of what society expects from the male gender itself.

Subordinate masculinity also can present itself in childhood experiences with school and the playground, for example, Renolds (2011:375-378) found the majority of boys were subordinately positioned by their classmates as being 'geeks' or 'squares' which allowed other boys to position themselves as dominant and 'normal'. Renolds (2011:381) argued hegemonic forms of masculinity impacted and shaped boys' attitudes to schooling and academic achievement – many were conflicted, having to negotiate between the idea of becoming a 'man' but maintaining a leaner identity in order to achieve.

<u>Research into Magistrates</u>

In comparison to the wealth of research dedicated to domestic abuse, a small amount of research has been dedicated to Magistrates' perspectives of domestic abuse: Pavlou and Knowles (2001), Bagshaw and Chung (2000) and Carlen (1976). Carlen's (1976) 'The Staging of Magistrates Justice', analyses all aspects of proceedings within Magistrates' Courts. Based on two years of observations, Carlen argues that the staging of Magistrates' justice infuses the proceedings and atrophies defendants' ability to participate (Carlen, 1976:48). It is important to note, that this paper was written before certain reforms were put into effect but it does not mean that this article is not relevant in understanding the proceedings of a Magistrates Court.

According to Carlen (1976:48-50), a Magistrates court is formal and ritualistic: the raison d'être of the law and the fixtures encourage a theatre performance. The elevation of the Magistrate bench, the fact that the dock is raised but is lower than the Magistrates can be interpreted as symbolic of a defendant's detainment and guilt. Carlen (1976:49) argues that spatial arrangements within the courts go against egalitarian notions of adversarial justice; instead, the proceedings of the courts are subjected to efficiency in which language and the presentation of offenders, witnesses and victims are carefully regulated and observed (ibid).

During proceedings, the timing of events is predicted based on the prosecution's responsibility to hand in all relevant documents to the Clerks of Court (1976:52). Carlen (1976:52) observed many defendants waiting, often nervous and fearing what was going to happen. However, once the defendant is in the dock, the escort acts as a choreographer, when to stand, sit, speak, and remain silent. Magistrates enter via a stage door, which is otherwise not for public access; the usher is quick to provide each one with all documents and letters relevant to the case. Each Magistrate entrance and exit is marked by the same ceremony. Carlen (1976:54) found that defendants did not find the court process abnormal but what was frustrating, for defendants, at times they are both subject to and an object to its rules and etiquette.

Lastly, within the Magistrates court, the Magistrates, police, lawyers, and other court personnel, project images of themselves, which are designed to affirm the propriety of their judicial responsibility. The findings from this article, give an insight into the workings of a Magistrate court, including how the environment can affect a defendant, victim and witness entering the courtroom. This article presents the way in which the environment of the courtroom dictates how individuals should be viewed and received by peers and the justice system.

Gilchrist and Blissett (2002) conducted research into Magistrates' attitudes to sentencing in domestic abuse cases; a small sample based study of Magistrates in the Midlands. Participants were required to answer questionnaires using case vignettes indicating how they would sentence and the reasoning behind that decision. For comparison, vignettes of stranger violence were used (ibid:350). The results of the questionnaire found that the Magistrates believed that an attack on a stranger was unprovoked and unjustified and the attack upon a partner was somehow justifiable; this was reflected in the sentences given: an attack on the stranger and a custodial sentence was awarded, but probation given to an attack on a partner (ibid). The presence of children was seen as making an offence more serious, however for some Magistrates the incident had changed from a criminal to a family matter (Gilchrist and Blissett, 2002:359). Again, the variations in sentencing became apparent: referring the case to the Crown Court for serious assault, a custodial sentence, or probation and referral to a domestic violence group for assault in front of children. The Magistrates' Association suggest that the welfare of children is paramount and is considered an aggravating factor for sentencing (Magistrates Association, 2016).

Some Magistrates made comments excusing the violence and placing the blame and responsibility upon the victim, especially when the presence of alcohol was factored in (Gilchrist and Blissett, 2002:360). Alcohol, according to the participants in a domestic abuse case was seen as an excuse for assaultive behaviour, particularly in a case of male perpetrated violence (ibid: 359). The study concluded that Magistrates' attitudes to domestic abuse did consider a variety of factors when suggesting

sentences for cases of domestic abuse and stranger assault cases, with many of the participants finding some form of explanation for an offender's behaviour. Gilchrist and Blissett's (2002:360) research mirrored the language and comments heard when discussing domestic abuse perpetrator programmes; such as victim blaming which often leads to minimising the assault. Therefore, it was suggested that there is a significant need for increased domestic abuse training, including an increase in awareness of domestic abuse amongst members of the magistracy.

Erez and Roger's (1999) research explored victim impact statements and the sentencing outcomes and processes, in response to the legal reforms requiring input into sentencing decisions. The study used qualitative structured interviews of 42 members of the legal profession in South Australia, including Magistrates. The interviews revealed a variation in participants' definition of work, philosophy of punishment, views on the Criminal Justice System and on victims' participation in it (ibid: 223). The research found that there is an agreement amongst the legal personnel in South Australia, that the input of victim impact statements had not increased sentence severity. However, what was evident, was that the victim ceased to be an individual, instead becoming an expected crime category, showing the effects of that offence as well as becoming an atypical victim associated with that particular offence (Erez and Rogers, 1999: 224).

Both Magistrates and Judges within this study, commented on how much victim personal statements were helping them understand the effects of a case upon a victim, in turn making individual cases seem more educated, however some Magistrates did believe that victim personal sentences did not have an impact on a small amount of cases presented (Erez and Rogers, 1999:232). Erez and Rogers' (1999:234) research found legal professionals managed to maintain established legal routines embedded in the culture of practicing law. Nevertheless, the research did show how some victim personal statements did lead to a sentence that otherwise would not have been imposed. However, the participants in this research gave justified reasons as to why victim personal statements would not modify sentencing practices or proceedings but commented on the statements true purpose – an opportunity for the victim to air their feelings (Erez and Rogers, 1999:234). The effect of including victim participation led Magistrates and Judges, in this research, to become more informed in the way crime affects victims – the harm experienced and the reaction to being victimised (ibid). But, the structure and the dynamics of the courtroom coupled with the legal culture suggests the effect of victim impact statements, created in order to hear the victims, may also serve to silence them (Erez and Rogers, 1999:235).

Hester's (2005) research explored the process of attrition and domestic abuse, where domestic abuse cases do not result in a criminal conviction. Attrition, in criminology refers to the number of crimes committed to the number of convictions. This quantitative based study was based in Northumbria and used tracking via the Northumbrian Police database, CPS case files and in-depth interviews: the experiences of victims, police, prosecutors, courts and support services were all examined. Hester (2005:81) found the overall pattern of attrition in Northumbria Police over three months were: 869 incidents of domestic abuse recorded by the police, 222 arrests, and 60 individuals charged, 31 convicted and four were custodial sentences. Interviews conducted with victims and support agencies expressed concern that the Criminal Justice System did not always pursue cases to a suitable extent nor, provided victims with the support they needed to proceed (ibid:82). The research into attrition and domestic abuse found the police describing the increased support for victims by agencies, along with the shift in policing of domestic abuse. Many officers expressed the frustration about the number of victims unwilling to provide a statement (ibid:82). This research was conducted in 2005 and since then it is now possible for the prosecution to conduct a trial regardless of whether or not the victim/witness wishes to pursue the case of domestic abuse against their perpetrator.

Hester (2005:84) found the data showed, the majority of cases where the Crown Prosecution Service (CPS) did not continue with the initial charge of domestic abuse, instead, adding lesser charges, generally resulted in a conviction. All cases were heard in the Magistrates' courts with only five being heard in the Crown Court (ibid). The CPS barristers, according to Hester (2005:85), indicated that they would refer to the risk assessment conducted by the police when considering the case for prosecution, but this was not reflected in outcomes where there was no correlation between the level of risk awarded by the police and the outcome of the case. In fact, more convictions were decided upon as a lesser charge than the more serious charge intended by the CPS: 70% of domestic abuse offenders were recorded as repeat offenders, with 82% of the initial police charges being continued by the Crown Prosecution Service (ibid). Hester's research presented the complex relationship, which exists between the victim and the Criminal Justice System, and the importance of ensuring consistency whilst respecting a victim's needs (2005:89). Attrition through the courts was the result of mended relationships with families, the retraction of statements or the parties being back together. The change in policing domestic abuse has improved victim's experience of the criminal justice process, yet attrition in the courts and the outcome of the risk assessment especially, poses a risk to which the Criminal Justice System manages a victim's safety (ibid).

<u>Conclusion</u>

Social expectations of how individuals should behave, engage and interact with one anther are fully submerged into the subconscious. However, these expectations and values are never static, they evolve as society evolves. The aim of this chapter was to present how two different fields, run parallel when looking at perceptions of male offenders and male victims. Christie's ideal victim theory draws attention to the vulnerability of one victim against another. Through discussions, media images and diversity within society, many victims will not be considered to be a 'model' victim for society. The theories of masculinities show the social expectations of the male gender in a visual way, but there is little flexibility if a man is subject to victimisation: male victims are pushed down the hierarchy, leaving insecurity of how their peers and society will react to their victimisation (Jewkes *et al,* 2015:115). Masculinities are present from a young age, especially in a school environment in which contradicting masculinities were present e.g. the popular kids and the 'geeks'. The result of which was to avoid behaviours which would express non-masculine behaviour including disguising desires for academic achievement. Both these fields of study show how social pressures affect society and how some individuals will be seen if an expectation becomes a distorted perception.

Magistrates are said to assume a no bias approach: administering justice for the good of the community and the wider public, however, everyone has some form of perception surrounding an offender and a victim of crime and these subconscious perceptions of offenders and victims are heightened – through the environment of the court and the appearance of the accused. In order to see if there are any subconscious biases present, ideal victim theory and the theories of masculinities will be tested on Magistrates to see if preconceived notions of offenders and victims are present within the decision-making and the subsequent impact of these biases upon the support services available.

4. Methodology and Analytical Framework

<ins>Aim of the Research</ins>

The overall aim of this research is to explore whether preconceived biases towards victims and offenders regarding domestic abuse are present within a Magistrates' courtroom, in accordance with Christie's ideal victim theory and the theories of masculinities, as examined in the literature review. The research presented here is focused on understanding the impact of social expectations upon the male gender. As explained in previous chapters, gender expectations govern how males and females behave and conduct themselves within society and consequently, stereotypes of each gender are enforced into the subconscious. This can potentially affect the decision-making by Magistrates and the access to victim support services specifically for male victims (Anderson, 1997:656).

<ins>Context for Research.</ins>

Domestic abuse is referred to as an invisible crime, that is, it does occur but there is not visible evidence until an incident has been reported or investigated by authorities, such as by doctors in Accident and Emergency and the police. As mentioned within the literature review, domestic abuse has been studied by various academics who give differing reasons, arguments and perceptions of why domestic abuse occurs, the psychological, health and social effects of domestic abuse including the evaluation of policies of domestic abuse in place. Despite academia producing a vast wealth of research, there still remains a large amount that is uncertain or unknown about domestic abuse. Thus, numerous myths, preconceptions, biases and stereotypes have been formulated in society about the nature of domestic abuse.

Moreover, certain stereotypes have continued to be associated with the appearance and demeanour of both a victim and offender. From a criminal justice perspective, bringing perpetrators of domestic abuse to justice is paramount. The first step in doing this is a court hearing at a Magistrates' court. As Magistrates are seen to be representatives of the community, their perceptions of offenders and victims against what the law requires, may not always fall in alignment.

Therefore, face-to-face, semi-structured qualitative interviews with Magistrates were conducted and responses were measured in conjunction with the two different fields of study: ideal victim theory and the theories of masculinities, which epitomise and explain how society justifies giving prestige to certain individuals over others, whilst maintaining the expectations of how each gender should behave and act within society. This piece of research is relevant to understanding domestic abuse within the Criminal Justice System, by research into Magistrates' perspectives of crime and the consequences of the perceptions. This research intends to show if preconceptions are present and how this then affects access to support services for victims.

The Magistrates interviewed were identified and recruited from Medway Magistrates

Court in Kent. Medway is a unitary authority which consists of five towns, these are:

Rochester, Chatham, Gillingham, Rainham and Strood. Medway is an area with a

population of 274,015 persons and is considered to be a deprived area, ranking 118th

out of 326 of the most deprived towns and cities in England (Medway Council

2015:1). Kent Police statistics revealed that Medway had the highest domestic abuse

rate, between April 2014 and April 2015, with 5,542 incidents of domestic abuse

reported to the police (Kent and Medway Domestic Abuse Strategy Group, 2013:18).

Medway's domestic abuse rate has increased year after year since 2006; in

2012/2013, 4658 incidents were reported to Kent Police, a 9% increase from

2011/2012 (Kent and Medway Domestic Abuse Strategy Group, 2013:18).   In

2014/2015 the domestic abuse rate increased by 10% and accounted for 11% of all

police recorded crime (HMIC, 2015:20). The total reported incidents of domestic

abuse in Kent was 28,213 (ibid). From the statistics, it would be fair to assume that

the courts, Magistrate and Crown, in Medway are experienced in handling domestic

abuse cases.   The Magistrates in this research project are going to be well

experienced in dealing with cases of domestic abuse but, unlike Judges, have the

unique perspective of understanding the difficulties that Medway has.

The method for this particular research was semi-structured, face-to-face interviews with several Magistrates from Medway in Kent. This method was selected as it was best suited to gain an understanding of domestic abuse from the Magistrate's perspective; how they view domestic abuse, offenders and victims. This was due to the nature of the topic and the sort of questions that were to be asked. The interviewer asked a number of questions relevant to domestic abuse, focusing on both offenders and victims. By utilising an interview method, Magistrates were able to share their experiences, thoughts and opinions about domestic abuse, a crime in which they have more expertise and understanding in, than potentially, a researcher would.

Face-to-face interviews permit participants to present their knowledge of a subject, but can also clarify findings which previous research may have only suggested. This localised sampling of Magistrates elicited an equal number of Magistrates: male to female. In addition, interviews add a human dimension to impersonal data, which can lead to a deeper understanding and explanation of statistical data. Semi-structured interviews are the most common, utilised format (Dantzker and Hunter 2011:147-148; Arksey and Knight, 1999:7). Using semi-structured interviews in this research, allows standardised questions to be asked, but also provides a platform for the researcher to go further into emerging themes and to ask spontaneous questions relevant to the topic (Maxfield, 2015:203). Additional questions are particularly relevant to this research as the subject under study focuses on domestic abuse from

a Magistrate's perspective, therefore would be problematic if the interviewer did not ask additional questions or indeed open-ended questions.

Questions centre on experience of presiding over abuse cases, relevant training on domestic abuse, defining key terms, and offenders and victims. Each question related to key issues featured in the ideal victim theory and the theories of masculinities, as explained in the literature review. The theory of the ideal victim by Christie, according to Smolej (2010:70) blends reality with imaginary. Under Christie's criteria (1986: np) the ideal victim is an individual who is the most vulnerable; economically or physically. Furthermore, the victim is weak, is going about their everyday business and has no prior relationship to the offender, whilst the offender is 'big and bad' (ibid). Christie's theory is based upon the assumption that certain individuals can be victims; the most vulnerable in society including children (Walklate, 2007: np). Therefore, applying the principles of Christie's theory, men are not seen to be victims simply due to their position within society, as well as the expectations placed upon them (ibid). Questions relating to offenders, connected to hegemonic masculinity, marginalised, subordinate and complicit masculinity and questions that relate to victims built upon the notion of an ideal victim, as suggested by Christie, including how some individuals are able to assume this status as an ideal victim.

Using face-to-face interviews, provided positive reinforcement to the Magistrates participating in the research. That is, when discussing their job and possible prejudices, it is important to make the participants feel relaxed, as respondents are more likely to respond well when the interviewer is engaged, showing compassion and interested in what they are stating (Dilley, 2000: 134; Dantzker and Hunter, 2011:147). As well as asking questions, the interviewer acted as an observer, carefully considering the body language of the participant.

Body language provides an interesting dimension to the interview process, the body language of a respondent can present how comfortable, honest and confident they are in answering the questions. For this research, observations of body language were noted as a way to understand how relaxed respondents were during the interview, giving an indication of the need to change or alter questions and how honest and confident respondents were in answering the questions put to them. It is important when conducting interviews, that however the participant responds, they are recorded and transcribed exactly. The richness of the data can then be extracted and interpreted to form the conclusion, therefore, any misunderstandings or confusion can be cleared up, helping to ensure the responses given, are accurate to the question being asked (Dantzker and Hunter, 2011:147).

Purposive sampling, in conjunction with snowball sampling was used to attract and recruit participants. Bryman (2015:408) stated that purposive sampling in qualitative research is designed so that a researcher does not need to sample research on a random basis. Instead, organisations and/or people are selected due to their relevance to the research topic. Additionally, when purposive sampling is used the sampling gives a certain degree of flexibility to the sample size, resources and time available, which may or may not be fixed prior to the collection of data (Rubin and Babbie, 2009:147). For this research, purposive sampling was beneficial based on the timescale of the project as well as judgement from the researcher. That is, Magistrates are required due to their experiences within the Criminal Justice System. But more importantly their experiences in dealing with domestic abuse within a court setting; invaluable insights and emotions which may not have been disclosed before. Evident from the use of purposive sampling, the data collected cannot be representative of the population but does enable the research to focus on particular characteristics of the population that are of interest to the research.

As mentioned above, snowball sampling was used in combination with purposive sampling. This was done to ensure the suitability of the participants to the topic as well as a form of encouragement to those who were unsure of participating. Snowball sampling is defined as a technique by which one participant gives the researcher the name of another, it is a process based on referrals through a circle of acquaintances (Vogt, 1999: np). Snowball sampling is often used to conduct qualitative research, predominantly when the research is using interviews as a

research method (Atkinson and Flint, 2001:1). For this research, snowballing was used as a way of access to participants as well as to reduce researcher bias, most commonly attributed to purposive sampling. In addition, as Atkinson and Flint (2001:5) state, the real benefit of using snowball sampling is its ability to reveal aspects of social experiences often hidden from both researcher and the participants view of social life.

Participants in this research were identified and recruited based on their position as a Magistrate in the Medway area and their experiences of the Criminal Justice System, including the array of different cases, which they have heard and will encounter. Purposive sampling was used to ensure this and specifically their experiences of presiding over domestic abuse cases. Snowball sampling was used to recruit the participants, to ensure suitability of the participants to the topic. As Vogt (1999: np) states snowballing is a sampling technique whereby one participant will provide the researcher with other participants, the process is based on referrals that can be made within a circle of acquaintances. For this research, a past associate was initially contacted in January 2016; known from a previous connection to a charitable organisation. From that, emails and face-to-face contacts were made, a brief outline of the research and what they would be required to do, should they wish to participate, were given. This encouraged other Magistrates, including the Chairman of the Bench, in wanting to take part in the research. Emails were sent from the 29th February 2016, either confirming or arranging interviews, giving a time period of two weeks between confirming and commencing the interviews. One-to-one, semi structured interviews were conducted for two weeks beginning the 14th March 2016 in Medway Magistrates Court, Chatham.

In total, the group was comprised of seven Magistrates: three male and four females, each with between 10 years to 30 years' experience of the Magistracy. Within which, they had sat on 400 cases of domestic abuse in total. During the process, the interviews varied in length, the shortest being 20 minutes and the longest being an

hour; however, the average interview conducted was 35 minutes. This may have been as a result of conducting the interviews in the Magistrates Courts itself as opposed to a 'neutral' zone.

<u>Content Analysis</u>

This research will use content analysis on the data: this form of analysis is a qualitative research technique, where common themes are identified by the researcher and related back to an existing theoretical framework. Academics such as Krippendorf (1969) and Mayring (2000) state that content analysis have differentiated levels of content; themes and main ideas are the primary purpose but is also a model of communication which is defined by the aims of analysis. Content analysis, therefore is used as a method to make inferences from text and to relate it to other sources. In other words, a technique which identifies specific characteristics and makes objective inferences from the qualitative data set (Mayring, 2000: np; Krippendorf, 2013:103). Inferences are made by identifying common words and phrases from the data and interpreting how and what the data means in relation to the topic under research (ibid).   In this case, the findings relate to common themes which have become apparent or reflected in the responses by the participants.

Content analysis can be done using NVivo: a computer programme which allows a vast amount of qualitative data to be analysed with common themes becoming apparent swifter than when done manually. The NVivo programme according to Welsh (2002: np) is simple to use; importing documents directly and instantaneously coding them but providing the researcher with the visual references to highlight where coding has taken place. Welsh (2002: np) states the use of computers in qualitative data analysis has not been met without some criticisms. According to Barry (1998) and Hinchliffe *et al* (1997; cited in Welsh 2002: np) using computer programmes to analyse qualitative data could serve to distance the researcher from

the data, furthermore encourage quantitative analysis as opposed to qualitative. Nevertheless, NVivo is based on grounded theory approaches, furthermore it serves to facilitate accurate analysis whilst providing an alternative way of counting who said what and when, ensuring a reliable and accurate picture of the data (Welsh, 2002: np).

NVivo training was undertaken in order to see how it could potentially benefit the research.   As stated above NVivo is a computer programme, which allows a qualitative data set, such as interviews and open questioned surveys, to be analysed speedily instead of the researcher going through each interview manually. Furthermore, to uncover any correlations between the dataset which may be missed or impossible to determine manually.   In this case, NVivo was not used and instead all analysis of the data was done manually. Despite NVivo being easy and simple programme to use, the number of interviews conducted would have made the process of using NVivo complicated and unnecessary, as NVivo is most effective when analysing larger data sets. By doing the analysis manually, with a small data set, it enables a more detailed examination to identify common themes.

It is important to maintain professionalism and ethics throughout the interview process. Ethics and ethical behaviour helps protect individuals, communities and environments from unnecessary harm (Israel and Haly, 2006:2). The British Society of Criminology updates its Code of Ethics yearly, so there is clear guidance for researchers; to assist the choices and decisions which should be made to reflect the principles, values and interests of all parties involved in research (2015:2). For this piece of research to reflect the principles, values and interests of all parties involved there are a number of ethical considerations which were all adhered to.

Firstly, informed consent is a priority before conducting any form of research. Informed consent is explained by Israel and Haly (2006:61) to mean participants need first to comprehend and then to agree voluntarily to the nature of the research and their role within it. Faden and Beauchamp (1986: np) state that research participants can make an informed decision only if there is an adequate apprehension and substantial understandings of all information that is relevant and important so to grant consent voluntarily. To ensure all parties give informed consent, an information sheet and the consent form with contact information are given, these leaflets contain precisely and clearly, what is expected of the participants and what they have to subject themselves to. For the consent form, see appendix A.

Second is the ethical consideration of confidentiality. Finch and Fafiniski (2012:288) state, research subjects divulge information in confidence, with the knowledge they are offering us 'data' that will be complied, analysed and published. Participants who engage with researchers expect that any information obtained by the researcher is volunteered in confidence (Israel and Haly, 2006:77). At some point, a participant may request more assurances from the researcher; for example, the respondent may give information because they are not named (ibid). To some extent, a certain amount of pressure is placed on the researcher to ensure that if requests are made, they are satisfied and that no adverse effects befall the participant (ibid). In accordance with the Data Protection Act 1998 and the University Research Governance Handbook (2016), data obtained during the research can only be accessed by the researcher and supervisor. The participants also have the right to prevent any information that has been disclosed during the interview process to be used in the final thesis, see appendix B for the information. To ensure confidentiality further, each participant is given a code name thus increasing anonymity to each participant (Wiles *et al,* 2008: 420).

<u>Methodological Limitations and Conclusion.</u>

The sample in this research is relatively small in comparison to other qualitative research. However, as Crouch and McKenzie (2006:485) argue, when using interviews as the main research technique, small samples are more likely to establish better relationships with respondents. Moreover, by using a small sample size the research is more likely to examine the situations rather than explain the relationships amongst the respondents. Sample size is used to show that the data is representative of a certain group; it is also to show sufficient validity and reliability in the results. Having a small number of participants in an interview based research can potentially enhance the validity of the interviews, as a research method, considering the topic of research, the experience of the participants and the ability of the researcher, the small sample size in this research project is the most beneficial (Crouch and McKenzie, 2006:485).

Qualitative research is driven by time and money to both researcher and participants. This is reflected in this research; participants were interviewed at the most convenient time for them, this meant before or after they had been in court, presiding over cases, whilst others had to come in on their days off, thus general travelling expenses were imposed. However, as Cassell and Syman (2004:31), Denzin and Lincoln (2011:3) and Patten (1990: np) argue, the richness of the information and insight obtained from the small sample provides more of a return on 'expenses' than in comparison to a larger data set.

The outcome of this research was not meant to be representational of the wider population and cannot be representative of a wider population. Instead, using purposive and snowball sampling, generalisations can be made from the participants being studied by applying it to theoretical and analytical reasoning. The purpose of these interviews was to conduct a small scale study into a local area, with the local Magistrates' courts, in which the domestic abuse rate is comparably higher than other counties. This research used purposive sampling to identify the main participating institution needed and snowball sampling to recruit the participants (Allmark, 2004:186). By using snowball sampling in conjunction with purposive sampling, it helps to eliminate potential researcher bias, as snowballing involves a process of individuals recruiting others to take part. To an extent, the researcher has little control over who wishes to take part in the research: participants recruited by snowballing share common characteristics, personalities, understanding and social factors, which helps to break barriers that prevent some individuals from participating in research (ibid).

Qualitative research is concerned with insights, experiences and information, which can be collected or achieved by getting access and spending time with people who will inform and answer questions on a topic, but it is also a way, to look for patterns in the participants' reactions and responses. Increasing sample size, so that the question of validity and reliability can be answered may be a waste of resources, particularly as the latter interviews become a repetition of findings already identified and confirmed. Research is the platform to further work, to extend the boundaries

as opposed to criticising research which is deemed not to be ideal, but nevertheless enriches and enlivens the conversation surrounding the topic in question (Eisner, 1997:259). There should be a sense that knowledge is moving forward and this research project will be following this principle.

5. Data Analysis or Findings

<u>Introduction</u>

This research is designed to explore if preconceived notions of victims and offenders, of domestic abuse are present within a Magistrates' courtroom. The research is focused on understanding the impact that these preconceived notions have upon Magistrates decision making, as well as how this affects access to victim support services specifically for male victims. As explained in the Methodology chapter, this piece of research used content analysis to interpret communication between researcher and participant, the process through which relationships are negotiated, social structures are constituted and members of the population come to know and understand each other (Krippendorf, 2013:3). The chosen categories in this section and for the analysis reflect the responses given by the participants in respect to the literature review conducted in the previous chapters. The data in this chapter, present, how Magistrates view domestic abuse within the court setting and whether there are preconceptions regarding both offenders and victims. These preconceptions relate to the stereotypical notions that are presented in Christie's ideal victim and the theories of masculinities, referencing the work of Connell's hegemonic masculinity. The responses given by the participants help to explore if preconceived notions of a victim and an offender, in accordance with Christie and Connell, are present in a Magistrates' court room. The full interview script can be found in Appendix C.

Introductory questions established that each of the participants had different reasons as to why they became a Magistrate. These included, family influence, a friend's experience, and personal experiences of the criminal justice system, the current justice system seeming unfair and a desire therefore to understand how it worked. Another, after having seen a crime reported in the media, following the case throughout and then forming the opinion that the sentence and judgement did not match the severity of the crime. The latter reasons potentially indicate the presence of some stereotyping towards offenders, victims and the court process. Indeed, this is attributed to the retributive attitude from the majority of society (Vidmar, 2002:74). As Gerber and Jackson (2013:61) argues retributive attitudes come from a wish for harsher punishments for offenders, to restore justice and balance to society or, as a preferential form of retaliation - an expression of vindictiveness. To all the participants, Magistracy was seen as a new challenge that they wished to undertake. In doing so, they believe they are giving something back to their community.

Findings

<u>Defining the term 'Victim'</u>

During the interview, participants were asked to define the term Victim. All respondents used one or more of these terms to do so: 'affected', 'abused', 'suffered injury', 'violence', 'subjugated' or 'overpowered' to describe and define the term victim. As discussed previously, Christie's theory is centred on the notion of one victim being more deserving of the victim status than another, as a result of certain individuals being able to evoke more sympathies. In other words, Christie explains how the ideal victim is able to use powerlessness to evoke more sympathy (Schwobel-Patel, 2015: np). Participant 2 and Participant 4 both remarked that a victim was someone who has been harmed in some way; either physically, psychologically and/or emotionally.

"Victim. Someone that is subjugated, affected, yes someone who is overpowered"

(Participant 2).

"Someone who has suffered injury" (Participant 7).

"Well, somebody whose suffered injury at the hands of another that could be verbal, physical, emotional, doesn't have to be physical" (Participant 4).

"Kids can be victims though they're not the person that's been – we tend to call them the IP…injured party." (Participant 3).

It is important to acknowledge that these definitions from the participants are in response to an interview concerning domestic abuse. Therefore, it is a logical assumption that some participants would use terms found in the Home Office (2016) domestic abuse definition. However, by doing so whilst thinking of how to define the term 'victim' participants did not reiterate the criteria found in the ideal victim theory. Evidence for this can be found in the quotes above; where Participants 3, 4 and 7 focused on the term 'injury' as opposed to the power dynamic of domestic abuse. Only Participant 2 focused on the power dynamic by stating 'subjugated' and 'overpowered'. This power dynamic between an offender and victim is an important aspect of Christie's definition of an ideal victim as it maintains victims of crime are always weaker than the offender. Participant 3 acknowledged that a victim is not always the direct victim but others present can be considered to experience victimisation indirectly. This relates to the Victims Code (Ministry of Justice, 2015), which recognises secondary victimisation as direct victimisation. Dubber (2002:297) states that, indirect victims suffer secondary harm as a direct result of an offender's actions, this can include children or medical practitioners.

From a Magistrates perspective these comments stem from what they have seen in their courts, the training they have received to appropriately handle a case of domestic abuse and also what is known about domestic abuse either through their own knowledge or what is being reported in a wider context. Each Magistrate received training on domestic abuse, organised at the Magistrates' court. The training consisted of a seminar style course, discussing and reviewing case studies, case management and how domestic abuse occurs - starting from psychological to then physical abuse and identifying the cycle of violence. Participant 2 was the only respondent who had training outside of the magistracy, as chair of a local domestic abuse forum, nevertheless, the other participants had received training within the court, found the training positive and encouraging, using the terms: 'helpful' 'powerful' 'very good' and 'it was good training'. Participants' 3 and 4, added that any crime that mentions domestic abuse, is regarded as an aggravating factor, especially if children are present, therefore automatically increasing the sentence.

Both male victims and female victims were described as similar in demeanour by the interviewees - it is unsurprising that some participants asserted the point that men do not come forward to report domestic abuse against their partners. This is a confirmation of the fact that men find it difficult to report or acknowledge that they are or have been victims of domestic abuse (Banks, 2007:4). Four out of the seven participants had encountered a male victim in the courtroom.

"I haven't actually had a lot of experience with male victims, I haven't seen many"

 (Participant 6).

"Haven't come across one actually, I think because men don't make the allegations, it happens but men don't feel that if they come to court with it, then they're less of a man or whatever" (Participant 5).

Potentially, these quotes represent the fear/stigma of being labelled a victim as a man but also the way in which men prevent themselves from coming to court. The data shows that the participants either had little or no experience of male victims, but asserted that domestic abuse does happen to men. The Magistrates' in this research, found it difficult to comment on male victims but assumed that they would not be too dissimilar to female victims. However, female victims were the most discussed during the interview process and when asked the question regarding seeing the victim in court those were the ones that they most naturally referred to. From the quotes below, it is encouraging to see that Christie's ideal victim is not part of the system at this first stage of a domestic abuse trial. This reflects Christie's point of how society dictates who should be a victim and how the Criminal Justice System

should continually be aware of this risk. As Howard (1984:272) suggests, victim stereotypes have manifested itself in social consciousness and individuals who do not conform or fit to this will not feel able to come forward and talk about their issues.

> "A male victim is no different to a female victim. They're subject to physical, coercive or psychological impacts of what's happened. We treat them exactly the same but we do see very few" (Participant 3).

> "It's hard to, whether the male victim is...weak of mind or body. It's very hard actually because sometimes they come across very talk-able, knowledgeable probably. I think the couple I have seen, quiet quiet persons not much 'get up and go about them' but I couldn't really generalise about them to be honest" (Participant 1).

> "I believe in treating everyone equally" (Participant 7).

> "I kept looking at him and he was just beaten, he looked beaten" (Participant 4).

> "Um really, in the same way as a female victim you know. It's someone who is cowed by the treatment which is given to them" (Participant 2).

From the Magistrates perspective, the cases of domestic abuse they expect to encounter will be a female victim to a male offender, this is obvious from the statistics and established knowledge about domestic abuse. Some questions were not gender specific, this allowed participants to answer how they wanted to. This revealed that the most common theme would be to refer to victims as females and offenders as male, especially when discussing seeing the victim in court and the expectations of a domestic abuse case in court.

"A lot of the female victims are scared, um and it shows in when they're talking; they're normally pretty good with the prosecutor but when they're being re-examined by the defence lawyers, they know what questions to ask the victim (Participant 1).

"Yes. They normally give evidence; the evidence is given behind screens or video link if they're…weary" (Participant 1).

"Yes…when they bother to turn up. The difficulty we have is that the victim does not want to pursue the crime …we have to be careful whether or not she has pulled out for genuine reasons or she's pulled out because she's a victim of domestic abuse" (Participant 3)

"You have to work out where the victim is and whether she can face them because quite often they're still really frightened of the situation and therefore you might have to permit special measures to be taken so they don't' have to actually come to court" (Participant 2).

Magistrates' expectations may be based predominantly on experience as opposed to idealised notions of victims. There is however, scope to put forward that certain stereotypes are influencing their perceptions of victimisation. Christie's theory of the ideal victim depicts a weak and vulnerable individual and to a certain extent, this translates itself into the court. However, Participant 5 described a case, which is the reverse of Christie's traditional ideal victim:

"I mean you get some, there was an amazing one where the female was from Brazil. Perfect English. She was behind screens, but because she gestured a lot, we were having to show what she was doing. He [offender] can't see what she's doing and it became a farce almost, I had to show what she was doing, otherwise it's unfair if they

can't see what she's doing. But we were going through the whole thing, then found him guilty looking at conditions prior to sentence, and they [lawyers] said well it's not really a good idea because they're off on holiday next week! Having gone through a whole trial and…but she wasn't holding back, she was making allegations and he was making counter allegations and they're off on holiday next week so it's a very very weird" (Participant 5).

This is an indication of two things: that the trial has potentially taken too long to come to court and therefore the victim and offender have sought help independently. But also, it reveals that Magistrates can be slightly complacent about what they are expecting during a domestic abuse trial. When a victim does not show the characteristics depicted in the ideal victim or indeed what the Magistrates have seen in previous cases of domestic abuse, then it can cause a sense of unease about the case; this is evident when Participant 5 stated it was 'weird'.

Regardless of gender, being a victim of domestic abuse is difficult to report. There is a pressure upon men to explain that they are or have been victims, for reasons that are not too dissimilar to females. Such as fearing ridicule by peers or counter accusations by partners and the extended family. Messner *et al* (2002:617) states the closer the relationship between victim and offender the less likely it is that the victim will come forward and report the abuse. Fear of being ridiculed or receiving counter accusations shows that domestic abuse can happen to both genders, yet there is always interpretation into the extent and nature of the abuse made by the public. Complicit masculinity (Connell, 2005:80) is applicable to male victims of

domestic abuse: young and old - who accept allegations of abuse as a result of a power control exhibited by their partners. Straka and Montminy (2006:252), who focused on female victims, found that older victims of domestic abuse are likely to remain as they have become accustomed to the traditional attitudes and values of marriage, gender roles and family. Secondly, unlike younger victims there is the probability of health problems, which make them dependent on someone for care, making it increasingly difficult for them to leave and/or seek help. The same principle applies to male victims both young and old, as mentioned in the introduction, society evolves but not necessarily with its people, hence a 'social divide' (ibid:253) The topic of Masculinities will be explored later in this section, as another theme to the analysis.

<u>Men and Masculinity</u>

During the interview, participants were asked a number of questions relating to the different aspects of the masculinities hierarchy, as proposed and explained by Connell. These questions were based on domestic abuse offenders and victims and how Magistrates were to interpret behaviour and the actions of these. In short, these questions were designed to understand if Magistrates were able to detach themselves from stereotypes of masculinity or whether preconceived biases are found in the courtroom. Previous research conducted by Carlen (1976) and Cusack (2014) would suggest that there are indications of biases and stereotypes used by the Judiciary within the courtroom. This research is based on how Christie's ideal victim and the masculinity hierarchy can explain perceptions of idealised victimhood and idealised masculinity, potentially affecting the outcome of domestic abuse cases made by Magistrates. Questions were therefore asked about the various categories of masculinity including hegemonic masculinity, complicit masculinity, marginalised masculinity and subordinate masculinity. This section will focus on hegemonic and complicit masculinity.

As the literature review states, hegemonic masculinity is interpreted to mean the ideal man (Connell, 1986: np). Similarly, like Christie's ideal victim theory, theories of masculinities are a set of principles about a dominant cultural ideal setting itself up and the consequences in doing so. Hegemonic masculinity encourages men within a society to adopt and internalise social ideals, which, in turn, form the principles of masculine behaviour including the ability to shame certain masculinities in an attempt to define what is true masculine behaviour, usually through control (Katz, 2006:89). It is important to note that hegemonic masculinity does not represent the behaviour of all men, some men do not enact it but are affected by at least some of the pressures and expectations which stem from hegemonic masculinity (ibid).

<u>Age</u>

All respondents refused to openly accept that they used stereotypes of masculinity in their work. Yet, when the question of the common age range for offenders was asked, the majority of participants stated, young males. Age is an important aspect of hegemonic masculinity; this is for the reason that hegemony, which focuses on the concept of an ideal masculine man, is internalised and enforced from a young age by society and from other men. As Bartholomaeus and Tarrant (2015:2) state, hegemonic masculinity and age allows for gender transgressions and practices of gender equality, how both young boys and old men can uphold hegemonic practices throughout a lifetime. Indeed, it is possible for older men to continue upholding hegemonic traits, as Thompson and Langendoerfer (2016:136) research into older men and masculinity found, how older men live by the decrees to acquire and retain

others' respect, to project an aura of toughness and independence, and to be courageous risk takers when necessary to maintain their identity as male.

By asking Magistrates about the most common age range for offenders, this confirmed and illuminated how gender is socially constructed, the expectations placed upon the male gender and how masculinities are maintained throughout a lifetime. All respondents made comments about the most common age range for offenders of domestic abuse:

"Young, twenties to thirties" (Participant 7).

"That really has varied, because there's some I've had in there, the perpetrator has been in their fifties and others in their twenties, so I think it really does depend. It probably…tend to be younger, but certainly had a few older ones" (Participant 2).

"I don't think there is one. You get sort of…high sixties, seventies…no it's just one of those things that crosses all sorts of divides; the older ones are more subtle and controlling the younger ones are more volatile" (Participant 5).

The exception is, Participant 5 (above), who stated that it was difficult to suggest a common age range of an offender, alluding instead to the notion that domestic abuse can occur at any point during a lifetime. What can be interpreted from this, is that there may be differences in the perception of older and younger perpetrators of domestic abuse. Interestingly, if Magistrates' have assigned the most common age range of offenders as twenties to thirties. One perception of this could be of hegemonic masculinity, more precisely an example of how social pressure and stereotypes places pressure upon certain young males to actively seek to be the hegemonic male, the impact of which can be detrimental in regards to social relationships., yet society continues to subconsciously enforce these gender expectations.

The theme of power strongly correlates to the definitions of coercive and controlling behaviour, as defined by the Home Office (2016). Power is also an element of the hegemonic masculinity complex and the ideal victim. Coercive and controlling behaviour is the epitome of the power dynamic between an offender and victim of domestic abuse, this means that the offender will utilise, any form of violence to ensure the victim is subordinate and/or dependent, for their own personal gain. All participants agreed that there was usually a form of power imbalance between the offender and victim, expressed by Participant 1 (below) using the term 'weak'. The differences between male perpetrators and female victims of domestic abuse become apparent. Most male offenders, according to the participants were more likely to use their physicality and demeanour to assert power, whereas in comparison female offenders are more likely to use children as a form of power control. Indeed, according to Connell's (1995:76-78) hegemonic masculinity is more likely to be established only if there is a correspondence between cultural ideal and institutional power, collective if not individual. Therefore, in regards to offenders of domestic abuse standing in front of the Magistrates, there is a significant likelihood that perpetrators will be viewed as exhibiting hegemonic masculinity but Magistrates will look deeper for other traits:

"That's the whole point of domestic abuse. It's not anger, its control" (Participant 2).

"There's this big bouncer-ish young man that's been playing around with weights."

(Participant 1).

"Sometimes they can be quite different [of] course we don't see them when they're being violated I've heard tape recordings of 999 calls and that can be quite telling" (Participant 6).

"Alpha-male ish if you like, I mean certainly when they get cross examined you often get a flavour of what they're like" (Participant 5)

"Men can control the court" (Participant 7).

"Some of them are, some of them are very physically intimidating, they look more (…) tough guy image, bigger bodied and the victim whose normally female tend to come across as quiet" (Participant 1).

"A bully" (Participant 2).

Evident from the responses, above, by the participants is that some of the Magistrates will describe offenders as fitting the hegemonic masculine ideal. This is particularly salient in the comments made by Participant's 1, 5 and 7. Therefore, to some extent the hegemonic principle can be found to operate in courts and in the minds of Magistrates. It would be fair to suggest that the idealised conception of the hegemonic man is more in the subconscious of the Magistrates rather than the offenders, the result of which is seeing more male offenders than female on trial for domestic abuse. Whilst asserting that there cannot be a stereotypical offender of domestic abuse, Magistrates do describe a stereotype of a domestic abuser, often reported in the media. Obviously, this research has a small sample size and aspects of the data cannot be generalised to the wider population. But, what this does show

is that elements of an ideal masculine perpetrator are found within the Magistrates

courtroom and possibly within their subconscious.

<u>Complicit Masculinity</u>

Complicit masculinity refers to a masculinity that is not dominant, but supports hegemonic masculinity. Certain men may not fit into the characteristics of hegemony, yet do not challenge it - participating in aspects of hegemonic masculinity but recognising that some men will not be part of that dominant hegemonic group. In other words, complicit can be exemplified by benefiting from hegemonic privilege but not acting upon it, that is men who exert this form of masculinity tend to acknowledge hegemonic ideals but compromise for the sake of family and responsibilities. Connell (1995:79) argued the majority of men gain from hegemony yet the ones practicing it is small: the basic belief of complicit masculinity. Whilst hegemonic masculinity is the idealised image of what a man 'should be', Connell also explains that all men are required to position themselves against the masculinity hierarchy (Connell, 1986: np). Four out of the seven participants believed that it was not possible to stereotype an offender of domestic abuse in the traditional sense, this means offenders who are in marginalised environments, less educated and are relatively poor (Kwiatkowska, 2013: 95). Instead, according to the participants, more often 'professional' career-oriented men are presented in front of the court on a charge of domestic abuse, as illustrated using the below quotes.

"You just wouldn't know; they can be the most innocuous weedy looking even there's no physical attribute you could apply to either" (Participant 4).

"I don't believe in stereotypes" (Participant 7).

"We do have professional people in front of us who you look at, you listen to, they've got no record and yet they're very violent towards their partners" (Participant 3).

> "Lot of the offenders (…) have normally been drinking (…) they're under the influence, they've been out with their mates" (Participant 1).

This is an interesting revelation, as Magistrates, whilst not conforming to a stereotypical offender may in fact be stereotyping professional people to form part of the domestic abuse offender. Power is a recurring theme here in terms of the Magistrates relationship to the offender, their perception and first impression of the accused. Suggesting, whilst not conforming to society's stereotypical perpetrator, as described above, offenders of domestic abuse which they have encountered are deemed to be professional people. By doing this, Magistrates are indeed forming a subconscious stereotype for particular offenders. In other words, there are preconceptions present but some Magistrates may not be willing to admit this. This is not an uncommon notion for individuals to accept; society does not wish to admit stereotypes are part of everyday encounters.

Complicit masculinity is a masculinity which can affect perpetrators. Kahn (2009:30-36) explains how complicit can be applied to a perpetrator of domestic abuse taking into account the definition of complicit masculinity. An individual, who has an upstanding career, strong social relationships yet admires hegemonic principles; such as determination and aggression, may result in exerting violence against their partner, this suggests a form of subconscious frustration at the concept of not being able to achieve a higher status (Kahn, 2009:30-36). Magistrates may not be openly labelling male offenders but there are certain elements of complicit masculinity

present in these interviews which suggests a preconception of the masculine

offender.

Participant 5 commented on the increase in Eastern Europeans being charged with domestic abuse and being presented to the Magistrates. This form of masculinity would be categorised as marginalised masculinity. Marginalised masculinity, as explained in the literature review, is a masculinity which adheres to hegemonic values but cannot be considered hegemonic due to certain characteristics, such as race and economic and social disadvantages. Participant 5 asserted that male offenders from Eastern Europe, found the use of physical violence against their partners acceptable and often without visible repentance:

> "We're getting more Eastern Europeans now and they're attitude to male relationships was more (…) she did something wrong I didn't like it so I hit her, violence that's what you do sort of thing" (Participant 5).

> "You can give him punishment but you couldn't order change of attitudes" (Participant 5).

For the purposes of this research, it is important to consider all masculinities within the hierarchy although some men from within certain communities would be considered to be both hegemonic and complicit masculinity. Interestingly, this case was more uncomfortable for Participant 5 to discuss. For the respondent it was the arrogance of the perpetrator. Despite punishment being given, this particular offender would potentially continue to use violence. As Erikson (2002:20) argues depending on the frame of meaning, some men particularly from mainland Europe may be viewed as marginalised, but within that culture and community men are favoured in relation to women in a way which gives men an advantage over women.

Presenting themselves as hegemonic within their community but juxtaposing that with the authority of the Magistrates.

<u>The Participants: Magistrates</u>
There were seven participants in this research, four females and three males. In the interests of the analysis, this section will look in more detail at the gender of the participants themselves. This is in response to the aim of the research, which is to explore and present how Magistrates view gender and domestic abuse within the court setting. Therefore, it is interesting to see how male Magistrates relate to males on the other side of the bench. Magistrates are lay people which means that they are representative of the community and have no legal training. Therefore, rely on training sessions, handbooks and legal advisors who are always present in the courts. When asked about certain expectations when a case involves a male offender and female perpetrator, the three male participants provided almost similar responses:

> "Perhaps someone will turn up smartly dressed, talk about their career and things like that but it doesn't take long to get them to flip. Its short fuses and it's the arrogance comes across through good cross examination".

> "Some of them are very physically intimidating they look more tough guy image, bigger bodied and the victim who's normally female, tends to come across as quiet".

> "You can't stereotype; you can look at certain people and you can see by their body language and by the way they react in court you can see they are aggressive either verbally or physically".

Despite being defiant about not being able to stereotype, all three participants mentioned hegemonic qualities when describing a male offender. From their

perspective these male offenders are exerting a form of masculinity which is against their own, however, as Connell (1995:76) suggests, hegemonic masculinity can be exerted from the basis of authority. This means that whilst casting judgement upon the behaviour exhibited by offenders, the three participants are in fact using hegemony, whether intended to or not, in order to affirm their authority within a court setting.

Conversely, the four female participants naturally showed more empathy for both male and female victims of domestic abuse. Unlike, their male colleagues the female participants were more conservative in their opinion of the offenders of domestic abuse, often using one word definitions to describe an offender.

> "Usually one who's not always a bully"

> "A bully, quite often they're quite weak characters so they've got someone they can bully so they let everything out on them, you know?"

To a certain extent, these comments provide an insight into the differences between female Magistrates and male Magistrates themselves within a court setting. From a researcher's perspective, female Magistrates were more likely to show a sympathetic and open stance towards the victims and offenders, whilst still maintaining their position within the community to ensure justice. Sympathetic stances were more evident all round in the last question surrounding whether enough has been done for offenders and victims of domestic abuse:

> "I believe in treating everyone equally"

"Male offenders and victims, will be punished as they have to be I'm not sure how much good it does them, unless you can get them on to a probation scheme they really take it in. As for victims I assume they get help we don't always hear what they get"

"Well it's an interesting question, a company who runs programmes for domestic violence but these are for offenders and what is normally talked about is programmes to support women who are victims I'm not sure what programmes are available for male victims of domestic violence, I couldn't answer that. Obviously not enough publicity and yet I think they encourage to speak up and not to feel ashamed and not feel less of a man because this has happened to them. For offenders, not by a long shot, 12 weeks is the minimum with these people: one to ones, group work, group therapy thing, a group of men will understand what their triggers are and how to control those triggers and all that stuff. So no there's not nearly enough money in it to make it work. We've got a huge problem, but Medway particularly has high figures for domestic violence but then the whole Criminal Justice System has been slashed to ribbons anyway".

"Because he was too proud to admit what was happening even thought it was obvious to everyone else when he kept turning up with black eyes, so I think the more that can be done to bring it into so that men are prepared to admit it"

Whilst there is sympathy for the victims, what is evident is the lack of awareness of the male victim support services that are available and whether the victims they encountered received support after the trial. In contrast, the male Magistrates found it difficult or could not expand on the questions relating to services for offenders and victims, simply by stating:

"It's better than it was, there's still a long way to go. Everybody the whole system realises"

"I don't know, I don't get involved in probation but I do know that you don't seem to break the cycle, you're getting lots of repeat offenders within the same relationships, subsequent relationships. I think that's why it's important partners being able to find out the history, I mean it's a sad thing that you need to check but you know there are people out there."

"I don't know, I don't know I couldn't answer that to be honest."

In reference to the literature review and what is already known about gender, this confirms how social expectations of gender are instilled into the subconscious of males and females. As Eisenchlas (2013:7) argues, men are generally thought to be assertive and independent whereas women are generally thought to be emotionally expressive and friendly. This was reflected when participants were asked to describe a domestic abuse case being presented to them:

"You can't have a bench with all males or females, they have to mix and match"

As explained in the methodology, the body language of each participant would be observed during the interview process. This provided a small indication into the type of responses that were going to be given by them. The majority of the participants were confident, relaxed, informative, making hand gestures. Some were not so, exhibiting shyness, anxiousness and nervousness – inducing slight alterations to the questions to engage them fully in participating. Finally, some of the respondents appeared both confident and nervous at different stages depending on the type of

questions that were being asked and what the researcher, was doing including note taking or agreeing with responses. Nevertheless, all participants were aware that they carried an important position of authority.

Domestic Violence Protection Orders (DVPOs) were introduced as a separate addition to the research. With a DVPO, it provides a 28-day cooling off period between the victim and the offender. Within that time, support services are often contacted by the victim themselves or the case may be referred to a support service as an initial contact. The second part of the research is about access to services. Looking at Domestic Violence Protection Orders for analysis is relevant.   The HMIC (2015:24) conducted an inspectorial report into Kent Police force and found that in 2014 81 DVPO applications were made to Magistrates, of which 78 were granted. In addition to this, 14 DVPOs were breached representing an 18% breach rate in comparison to 17% breach rate in England and Wales (ibid). Evident throughout the interviews is that within this localised sample, very few respondents had actually issued a DVPO themselves. In fact, only four of the seven participants had ever issued a DVPO.

> "The situation is here and we learnt very quickly from the seminar is the fact there are some police areas where they're not used at all (…) Essex where you get ten a day, you get somewhere like Thames Valley; never issued one" (Participant 3).

The reasoning behind this was a recent proposition for Kent courts to evolve and merge to form 'centres of excellence' whereby certain Magistrates courts would deal with certain offences. To date, Medway is currently transferring its Domestic Abuse cases to bigger Magistrates Courts with a Crown Court in close proximity. There was concern over this move by Participants 3 and 4:

"If we're not dealing with domestic violence here we're de-skilled, we haven't had a

domestic violence or a DVPO for 3 or 4 months, none of us have skills same as road

traffic, if we get road traffic taken away from us, suddenly we're dealing with community

charges, TV licences" (Participant 3).

Domestic abuse cases are currently being heard first in Maidstone Magistrates Court.

Despite, concerns asserted by a few, the DVPOs are well regarded by Magistrates.

Only two out of the seven participants could not answer questions relating to DVPOs

process but the five that could, agreed that these DVPOs benefited not only the

victim, as intended, but also potentially the offender too. One of the respondents

stated:

"It's the police actually start the proceedings and they might well think they're doing this

for a reason. If they're thinking about why they've been excluded they might think well,

is it because I'm a drunk or is because I'm an arse" (Participant 1).

This sentiment was echoed by nearly all the respondents and some could see not only

the potential benefit but also the advantages of issuing protection orders to those

most vulnerable. Moreover, the information supplied to the Magistrates is of

sufficient quality and specifically detailed that any questions that any member of the

bench may have can be answered without hesitation. These DVPOs link to theories

of masculinities and the ideal victim as it fundamentally positions both parties in the

spotlight. In other words, for the offender it purposively removes certain masculine

traits to show the seriousness of their actions and the consequences. This could be

interpreted to mean removing hegemonic values from the offender and replacing

with a more marginalised masculinity (Woodhouse and Dempsey, 2016:11., Clarke

and Wydall, 2015:20). For the victim, it restores the balance they have in order to

remove the 'ideal victim' status, if they so wish.

The themes presented in this chapter, were to present how both the ideal victim theory and the theories of masculinities are present within the Magistrates courtroom. As discussed in the methodology chapter, face-to-face interviews were used to enable the participants to share their experiences, opinions and thoughts about domestic abuse. Using content analysis enables the data to be objectively studied, identifying specific characteristics relating it back to the topic. The data cannot be representational of a wider population but what is unique about this sample is it has allowed insights, experiences and information to be shared between the researcher and the interviewees, as well as offering their own perspective on domestic abuse rather than from a theoretical academic point.

The ideal victim theory by Christie presents how society awards prestige over individuals whilst ignoring others. Christie's theory of the ideal victim, depicts a weak, vulnerable individual, there was evidence to suggest that most of the participants did not automatically view victims of domestic abuse as society's 'ideal'. Instead, victims of domestic abuse were seen as the same, regardless of gender. However, what does translate into court is how some victims personified the ideal victim theory, which often led to the participants describing the situation as a dominant male against a weak female. The most common theme would be to naturally refer to an offender as male against a female victim. Responses were predominantly based on experience of the Magistrates, but there was scope to

debate whether certain stereotypes are influencing perceptions of victimisation, especially if some female victims are personifying the 'ideal victim'.

In comparison, the theories of masculinities were based on male offenders of domestic abuse and how Magistrates view them. Like the ideal victim, the theories of masculinities are a set of principles in which a cultural ideal is able to set itself up and become part of everyday discourse. The themes of power and age were the most common themes in which the respondents referred to when discussing offenders. Within the data, subconscious biases about masculinities were more evident than the ideal victim theory. The participants, whilst being defiant about not be able to stereotype, were able to give qualities associated with hegemonic and complicit masculinity, to the male offender. The participants all agreed that male offenders were more likely to use their physicality and demeanour in and out of the courtroom. Furthermore, agreeing that an offender, who has an upstanding career, strong social relationships yet admires hegemonic principles; such as determination and aggression were the offenders they would most likely see in front of them.

Both theories presented an insight into the understanding of how male Magistrates related to offenders and victims in comparison to how the female Magistrates did. The female Magistrates were more likely to show a sympathetic stance for both the victims and offenders. On the other hand, the male Magistrates often found it difficult to relate to certain aspects of male victimisation whilst being more open about male offenders either through appearance or demeanour. But what remains

is the lack of awareness about what support services are actually available to both male offenders and victims of domestic abuse. The data collected does represent how domestic abuse trials are not as straightforward as some presume and the pressure to not allow certain stereotypes to influence. The discussion chapter will now highlight some of the key themes and issues which have come from the data and what this means in regards to the overall aim of this research.

6. Discussion and Conclusion

The overall aim of this research was to explore if preconceived notions of victims and offenders, of domestic abuse were present within a Magistrates' courtroom, in accordance with Christie's ideal victim theory and the theories of masculinities, as examined in the literature review. This piece of research was focused on understanding the impact of these preconceptions, including the affect this may have upon access to the support services for male victims. The research consisted of seven semi-structured interviews conducted at a local Magistrates' court in Kent, where interviews lasted on average 35 minutes. As a result, the findings cannot be generalised to a wider population but instead can provide an insight into the experiences, opinions and understandings of a select group of individuals, in one area. Using Christie's theory of the ideal victim and the theories of masculinities, the participants were asked a series of questions based on domestic abuse, which encapsulated these two different fields of study.

The data showed Christie's ideal victim theory was not present in the Magistrates' opinions of the victims. There is scope however, to suggest that the responses noted were as a result of experiences as opposed to subconscious stereotyping. More than anything, the data showed some form of complacency by the Magistrates in regards to those involved in domestic abuse, often referring to victims as 'she' and a perpetrator as 'he'. Magistrates appear surprised when a case does not always reflect the 'traditional domestic abuse trial', in other words, the victim and offender may have been able to move on and get support before or during the case. These

types of cases represent how domestic abuse trials are not straightforward and when encountered, Magistrates are forced not to adopt the ideal victim theory. Referring to the gender of victims, Magistrates were fully aware of the apparent stigma felt by male victims when coming forward and reporting abuse. Cole (2007:5) defines true victimhood as the victim not engaging in victim politics, not exploiting injury or failures and refraining from public displays of weakness, with innocence being the most important virtue of a victims' character. To conclude this section, preconceived notions of victims of abuse are not so apparent as first assumed within the Magistrates courts, this also includes in Magistrate decision making. Therefore, Magistrates do treat victims of domestic abuse fairly and understand the reasons as to why men do not come forward to report domestic abuse; it is not as a result of stereotyping within the courts.

As the theories of masculinities begin to be incorporated into the research, evidence of subconscious biases became apparent, particularly surrounding male offenders of domestic abuse. The research indicated that the participants refused to openly accept that they referred to stereotypes as part of the decision process, yet preconceived notions of an offender's appearance and demeanour suggested otherwise. The notions of age, power and exhibiting masculinity by perpetrators of domestic abuse were the most common themes voiced by the Magistrates. Age and power fitted together: the most common age range for a perpetrator was within their twenties and thirties. Power was often used to describe an offender's appearance, using phrases such as 'bouncerish' and 'alpha-male', which are phrases commonly

associated with the theory of hegemony. These phrases were commonly expressed by the male Magistrates as opposed to the female Magistrates.

This research is predominantly understanding and challenging social norms, how differences in cultural identities set themselves up and become part of everyday discourse. Immigration is a theme which illustrates this. As Jewkes *et al* (2015:113) argues, masculinities are fluid, dynamic and multiple, meaning that they are not static or manageable. When looking at immigration and offenders of domestic abuse within immigrant communities, there was evidence that Magistrates found it difficult to comprehend the differences in which these offenders conducted themselves. Presenting how complex the field of masculinities is when applied to different cultures and social relationships, understanding what is acceptable masculine behaviour in some societies yet not tolerated in others. The theme of power correlates with immigration, the power dynamic is not just concerned with offenders and victims of domestic abuse but also the power between a Magistrate, as an authoritative justice figure, and the perpetrators of domestic abuse.

For this reason, the makeup of the Magistrates on the bench becomes an obvious strategy, not just to ensure a fair trial, but becomes a way to moderate the effect of preconceived notions becoming apparent within the courtroom between the offender and victim. Overall, it is important to understand men as subjects in ways which may be far more complex than the qualities of gendered toughness, which is central to the concept of hegemonic masculinity, the call for retribution in the

Criminal Justice System and subsequent policies, whilst society constructs control, binaries of guilt and innocence (Collier, 1998:169). As a result, the construction of the 'ideal' masculinity enables men to be viewed as suspicious, violent and aggressive but manly, tough and elite (ibid).

To conclude, an argument can be made for more training and education to be undertaken by Magistrates regarding domestic abuse. This may not eliminate preconceptions of offenders and victims but can assist Magistrates to look beyond what and who is presented before them. In addition, more training should be given with regards to victim offender programmes dependent on the type of case and which programme will most likely benefit both parties. Future research could be made by understanding how male victims and offenders of domestic abuse view or perceive Magistrates themselves to see whether preconceived notions of victims and offenders affect their belief in the Criminal Justice System.

References

Adoption and Children Act 2002, c.38. Available at: www.legislation.gov.uk (Accessed: 3rd September 2015).

Allmark, P. (2004) 'Should Research Samples Reflect the Diversity of the Population'. *Journal of Medical Ethics.* 30(2): 185-189.

Anderson, E. (2008) 'Being Masculine is Not About Who You Sleep with: Heterosexual Athletes Contesting Masculinity and the One Time Rule of Homosexuality'. *Sex Roles.* 58:104-115.

Anderson, K.L. (1997) 'Gender, Status and Domestic Violence: An Integration of Feminist and Family Violence Approaches'. *Journal of Marriage and Family.* 59(3):655-669.

Arksey, H., and Knight, P.T. (1999) *Interviewing for Social Scientists: An Introductory Resource.* London: Sage.

Atkinson, R., and Flint, J. (2001) 'Accessing Hidden and Hard-to-Reach Populations: Snowball Research Strategies'. *Social Research Update.* 33:1-4.

Bagshaw, D., and Chung, D. (2000) *Women, Men and Domestic Violence*. Available at: http://www.xyonline.net/sites/default/files/Bagshaw,%20Women,%20men%20and %20domestic%20violence.pdf (Accessed: 4th June 2016).

Banks, I. (2007) *Domestic Violence Affecting/Involving Men*. Somerset: Haynes and Co.

Barry, C.A. (1998) 'Choosing Qualitative Data Analysis Software'. *Sociological Research Online.* 3(3). Available at: http://socresonline.org.uk/3/3/4.html

Bartholomaeus, C., and Tarrant, A. (2015) 'Masculinities at the Margins of Middle Adulthood, A Consideration of Young Age and Old Age Offers Masculinities Theorising'. *Men and Masculinities*. doi:10.1177/1097/184X15588592.

Beasley, C. (2005) *Gender and Sexuality: Critical Theories, Critical Thinkers*. London: Sage.

Bednarova, J. (2011) 'The Heart of the Criminal Justice System: A Critical Analysis of the Position of the Victim'. *Internet Journal of Criminology*. Available: http://www.internetjournalofcriminology.com/bednarova_the_heart_of_the_criminal_justice_system.pdf (Accessed: 1st October 2015).

Binns, R., and Martin, J. (2014) *Unlocking the English Legal System*. 4th edn. London: Routledge.

Black, M.C. (2011) 'Intimate Partner Violence and Adverse Health Consequences Implications for Clinicians. *American Journal of Lifestyle.* 5(5):428-439.

Bly, R. (1990) *Iron John: Men and Masculinity*. London: Rider.

Bolich, G. (2007) *Conversing on Gender*. North Carolina: Psyches Press.

British Society of Criminology (2015) *Code of Ethics for Researchers in the Field of Criminology.* Available at: http://www.britsoccrim.org/docs/CodeofEthics.pdf (Accessed: 18th July 2016).

Bryman, A. (2015) *Social Research Methods*. 5th edn. Oxford: Oxford University Press.

Buzawa, E.S., and Austin, T. (1993) 'Determining Police Response to Domestic Violence Victims: The Role of Victim Preference.' *American Behavioural Scientist*. 36:610-623.

Cammiss, S. (2006) 'The Management of Domestic Violence Cases in the Mode of Trial Hearing'. *The British Journal of Criminology*. 46(4):704-718.

Campbell, R., Sullivan, C.M., and Davidson, W.S. (1995) 'Depression in Women Who Use Domestic Violence Shelters: A Longitudinal Analysis. *Psychology of Women Quarterly.* 19:237-255.

Carlen, P. (1976) 'The Staging of Magistrates' Justice'. *British Journal of Criminology*. 16(1):48-55.

Carrabine, E., Iganski, P., South, N., Lee, M., and Plummer, K. (2004) *Criminology: A Sociological Introduction.* London: Routledge.

Cassell, C., and Symon, G. (eds.) (2004) *Essential Guide to Qualitative Methods in Organisational Research.* London: Sage.

Cefrey, H. (2009) *Violence and Society, Domestic Violence.* New York: The Rosen Publishing Group.

Children Act 1989, c.41. Available at: www.legislation.gov.uk (Accessed: 3rd September 2015).

Christie, N. (1986) 'The Ideal Victim', in Fattah, E. (ed.) *Crime Policy to Victim Policy.* Basingstoke: MacMillan. Pp. 17-30.

Clare, A. (2000) *On Men: Masculinity in Crisis.* London: Arrow.

Clarke, A and Wydall, S., (2015) 'Creating a Safe Space' *Centre for Crime and Justice*. doi 10.1080/09627251.

Cole. A. (2007) *The Cult of True Victimhood: From The War on Welfare to The War on Terror*. Stanford: Stanford University Press.

College of Policing (2016) *Authorised Professional Practice on Domestic Abuse*. Available at: https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/domestic-abuse (Accessed: 26th July 2016).

Collier, R. (1998) *Masculinities, Crime and Criminology*. London: Sage.

Collinson, D., and Hearn, J. (2001) 'Naming Men as Men: Implications for Work Organisations and Management', in Whitehead, S.M., and Barrett, F. (eds.) *The Masculinities Reader.* Cambridge: Polity Press. Pp. 144-169.

Connell, R.W. (1987) *Gender and Power.* Australia: Allen and Urwin

Connell, R.W. (1995) *Masculinities.* Los Angeles: University of California Press.

Connell, R.W. (2000) *The Men and the Boys.* Los Angeles: University of California Press.

Connell, R.W. (2005) *Masculinities.* 2nd edn. California: Polity Press.

Connell, R.W., and Messerschmidt, J.W. (2005) 'Hegemonic Masculinity: Rethinking the Concept'. *Gender and Society.* 19(6):829-859.

Cook, P.W. (2009) *Abused Men: The Hidden Side of Domestic Abuse.* 2nd edn. Westport: Praeger Publishers.

Courtenay, W.H. (2000) 'Constructions of Masculinity and Their Influence On Well-being: A Theory of Gender and Health. *Social Science and Medicine*. 50:1385-1401.

Crime and Security Act 2010, c.17. Available at: www.legislation.gov.uk (Accessed: 3rd September 2015).

Crouch, M., and McKenzie, H. (2006) 'The Logic of Small Samples in Interview Based Qualitative Research'. *Social Science Information*. 45(4):483-499.

Cusack, S. (2014) *Eliminating Judicial Stereotyping.* Available at: http://www.ohchr.org/EN/Issues/Women/WRGS/Pages/GenderStereotypes.aspx (Accessed: 7th September 2015).

Dantzker, M.L., and Hunter, R.D. (2006) *Research Methods for Criminology and Criminal Justice*. 3rd edn. London: Jones and Bartlett Publishing.

Data Protection Act 1998, c.29. Available at: www.legislation.gov.uk (Accessed: 6th November 2015).

Davies, P., Francis, P., and Jupp, V. (eds.) (2003) *Victimisation Theory, Research and Policy.* Basingstoke: Palgrave.

Davis, L.V. (1987) 'Battered Women: The Transformation of a Social Problem'. *Social Work.* 32:306-311.

Demetriou, D. (2001) 'Connell's Concept of Hegemonic Masculinity: A Critique'. *Theory and Society.* 30(3):337-361.

Denzin, N., and Lincoln, Y. (2011) 'The Discipline and Practice of Qualitative Research', in Denzin, N., and Lincoln, Y. (eds.) *The Sage Handbook of Qualitative Research.* 4th edn. Pp. 1-20.

Digman, J. (2005) *Understanding Victims and Restorative Justice*. Berkshire: Open University Press.

Dilley, P. (2000) 'Conducting Successful Interviews: Tips for Intrepid Research'. *Theory into Practice*. 39(3):131-137.

Dobash, R.E., (1992) *Women, Violence and Social Change.* London: Routledge.

Dobash, R.E., and Dobash. R. (1979) *Violence Against Wives: A Case Against Patriarchy.* London: Free Press.

Domestic Violence, Crime and Victims (Amendment) Act 2012, c.4. Available at: www.legislation.gov.uk (Accessed: 3rd September 2015).

Domestic Violence, Crime and Victims Act 2004, c.28. Available at: www.legislation.gov.uk (Accessed:3rd September 2015).

Dubber, M.D. (2002) *Victims in the War on Crime: The Use and Abuse of Victims' Rights*. New York: New York University Press.

Duncanson, C. (2015) 'Hegemonic Masculinity and the Possibility of Change in Gender Relations'. *Men and Masculinities*. 18(2):231-248.

Dutton, D. (2011) *Rethinking Domestic Violence.* 3rd edn. British Columbia: University British Columbian Press.

Edwards, T. (2006) *Cultures of Masculinity.* London: Routledge.

Eisenchlas, S.A. (2013) 'Gender Roles and Expectations: Any Changes Online?'. *Sage Open*. Pp. 1-11. doi:10.117/21582440135066446.

Eisner, E.W. (1997) 'The New Frontier in Qualitative Research Methodology'. *Qualitative Inquiry*. 3(3):259-273.

Elias, R. (1990) 'Which Victim Movement: The Politics of Victim Policy', in Lurigio, A.J. (ed.) *Victims of Crime.* California: Sage. Pp226-250.

Erez, E., and Rogers, L. (1999) 'Victim Impact Statements and Sentencing Outcomes and Processes: The Perspectives of Legal Professionals'. *British Journal of Criminology*. 39(2):216-239.

Erikson, T.H. (2002) *Ethnicity and Nationalism.* 2nd edn. London: Pluto Press.

Faden, R.R., and Beauchamp, T.L. (1986) *A History and Theory of Informed Consent.* Oxford: Oxford University Press.

Faludi, S. (1999) *Stiffed: The Betrayal of the American Man*. New York: Harper Collins.

Family Law Act 1996, c.27. Available at: www.legislation.gov.uk (Accessed: 3rd September 2015).

Farrall, S., and Maltby, S. (2003) 'The Victimisation of Probation'. *The Howard Journal*. 42(1):32-54.

Felson, R.B., Messner, S.F., Hoskin, A.W., and Deane, G. (2002) 'Reasons for Reporting and Not Reporting Domestic Violence to The Police'. *Criminology.* 40(3):617-647.

Finch, E., and Fafinski, S. (2012) *Criminology Skills*. Oxford: Oxford University Press.

Frazier, E. (1966) *The Negro Family in the United States.* Chicago: University of Chicago Press.

Furedi, F. (1997) *Culture of Fear: Risk Taking and the Morality of Low Expectations*. London: Cassell.

Gelles, R.J. (1993) 'Through a Sociological Lens: Social Structure and Family Violence', in Gelles. R., and Loseke. D.R., (eds.) *Current Controversies on Family Violence*. California: Sage. Pp. 31-46.

Gerber, M.M., and Jackson. J. (2013) 'Retribution as Revenge and Retribution as Just Deserts'. *Social Justice Research.* 26(1):61-80.

Gibbs, P. (2016) *The Role of the Magistrate*? Available at http://www.transformjustice.org.uk/wp-content/uploads/2016/03/TJ-JAN_JUSTICE-COMMITEE-ENQUIRY_FOR-PRINT.pdf (Accessed: 3rd July 2016).

Gilchrist, E., and Blissett, J. (2002) 'Magistrates' Attitudes to Domestic Violence and Sentencing Options'. *Howard Journal of Criminal Justice*. 41(4):348-363.

Goffman, E. (1959) *The Presentation of Self in Everyday Life*. New York: Doubleday.

Gramsci, A. (1971) *Selections from the Prison Notebooks of Antonio Gramsci.* New York: International Publishers.

Grant, R. (2016) Freedom of Information [email]. Pearson, L. louise2404@btinternet.com. 22nd June 2016.

Greer, C. (2007) 'News Media, Victims and Crime' in Davies, P., Francis, P., and Greer, C. (eds.) *Victims, Crime and Society*. London: Sage. Pp. 20-49.

Groes-Green, C. (2009) 'Hegemonic and Subordinated Masculinities: Class, Violence and Sexual Performance Among Young Mozambican Men'. *Nordic Journal of African Studies*. 18 (4):286-304.

Groves, N., and Thomas. T. (2013) *Domestic Violence and Criminal Justice*. London: Routledge.

Hall, S., Critcher, C., Jefferson, T., Clarke, J., and Roberts, B. (1978) *Policing the Crisis, Mugging, The State, and Law and Order.* Basingstoke: Macmillan Press.

Hatty, S. (2006) *Masculinities, Violence and Culture.* California: Sage.

Hester, M. (2005) 'Making it Through the Criminal Justice System: Attrition and Domestic Violence'. *Social Policy and Society*. 5(1):79-90.

Hiroshe, A., and Pih, K.K. (2009) 'Men Who Strike and Men Who Submit: Hegemonic and Marginalised Masculinities in Mixed Martial Arts'. *Men and Masculinities*. 13(2):190-209.

HM Government (2010) *Call to End Violence Against Women and Girls Action Plan*. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97903/vawg-action-plan.pdf (Accessed: 17th February 2016).

HM Government (2016) *Ending Violence Against Women and Girls Strategy 2016-2020*. Available at: www.gov.uk (Accessed: 20th February 2016).

HMIC (2015) *PEEL: Police Effectiveness 2015 Vulnerability – An Inspection of Kent Police*. Available at: https://www.justiceinspectorates.gov.uk/hmic/kent/ (Accessed: 23rd May 2016).

Hoijer, B. (2004) 'The Discourse of Global Compassion: The Audience and Media Reporting of Human Suffering' *Media, Culture and Society.* 26(4):513-531.

Holtzworth-Munroe, A., Bates. L., Smutzler, N., and Sandin, E. (1997). 'A Brief Review of the Research on Husband Violence: Martially Violent Versus Nonviolent Men'. *Aggression and Violent Behaviour.* 2(1):65-99.

Home Office (2013) *Domestic Violence and Abuse.* Available at: https://www.gov.uk/guidance/domestic-violence-and-abuse (Accessed: 3rd November 2015).

Home Office (2014) *A Call to End Violence Against Women and Girls Action Plan 2014*. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/287758/VAWG_Action_Plan.pdf (Accessed: 17th February 2016).

Home Office (2016) *Guidance Domestic Violence and Abuse*. Available at: https://www.gov.uk/guidance/domestic-violence-and-abuse (Accessed: 2nd February 2016).

Howard, J.A. (1984) 'The Normal Victim: The Effects of Gender Stereotypes on Reactions to Victims'. *Social Psychology Quarterly.* 46(3):270-281.

Hoyle, C. (2007) 'Feminism Victimology and Domestic Violence' in Walklate, S. (ed.) *Handbook of Victims and Victimology.* Oxon: Willan Publishing. Pp146-174.

Hoyle, C., and Young, R. (eds.) (2002) *New Visions of Crime Victims*. Oxford: Hart Publishing.

Ickes. W. (1993) 'Empathic Accuracy'. *Journal of Personality*. 61:587-609.

Ickes. W., and Barnes. R., (1978) 'Boys and Girls Together and Alienated: On Enacting Stereotyped Sex Roles in Mind Sex Dyads'. *Journal of Personality and Social Psychology*. 36:669-683.

Israel, M., and Hay, I. (2006) *Research Ethics for Social Scientists*. London: Sage.

Jasinski, J.L. (2004) 'Pregnancy and Domestic Violence: A Review of the Literature'. *Trauma, Violence and Abuse.* 5(1):47-64.

Jewkes, N., Morrell. R., Hearn, J., Lundqvist, E., Blackbeard. D., Lindegger, G., Quayle, M., Sikweyiya, Y., and Gottzen, L. (2015) 'Hegemonic Masculinity: Combining Theory and Practice in Gender Interventions'. *Culture, Health and Sexuality*. 17(2):112-127.

Jewkes, R., Morrell, R., and Lindegger, G. (2012) 'Hegemonic Masculinity/Masculinities in South Africa Culture, Power and Gender Politics'. *Men and Masculinities*. 15(1):11-30.

Johnson, M.P. (2005) 'Domestic Violence: It's Not About Gender or Is It?' *Journal of Marriage and Family.* 67(5):1126-1130.

Kahn, J.S. (2009) *An Introduction to Masculinities*. Chichester: Wiley-Blackwell.

Karmen, A. (2010) *Crime Victims: An Introduction to Victimology.* 7th edn. Boston: Cengage Learning.

Karmen, A. (2013) *Crime Victims: An Introduction to Victimology*. 8th edn. Boston: Cengage Learning.

Katz, J. (2006) *The Macho Paradox: Why Some Men Hurt Women and How All Men Can Help.* Illinois: Sourcebooks.

Kearon, T., and Godfrey, B. (2007) 'Setting the Scene: The History of Victims', in Walklate, S. (ed.) *Handbook of Victim and Victimology*. Oxon: Willan Publishing.

Kelly, L., and Radford. J. (1990) 'Nothing Really Happened': The Invalidation of Women's Experiences of Sexual Violence'. *Critical Social Policy*. 10(30):39-53.

Kent and Medway Domestic Abuse Strategy Group (2013) *Kent Police Domestic Abuse Strategy 2013-2016.* Maidstone: Kent Police Headquarters.

Kimmel, M., and Bridges, T. (2011) 'Masculinity'. *Oxford Index*. doi:10.1093/OBO/97807199756384-0033.

Krippendorf, K. (1969) *Content Analysis: An Introduction to its Methodology*. Los Angeles: Sage.

Krippendorf, K. (2013) *Content Analysis: An Introduction to Its Methodology*. 3rd edn. London: Sage.

Kwiatkowska, A. (2013) 'Talking about Violence: How Many People Convey Stereotypical Messages about Perpretrator and Victim Through the Use of Biased Language', in Klein, R. (ed.) *Framing Sexual and Domestic Violence Through Language.* Pp. 87-109.

Lopez, F.J. (2008) *Battered Men: The Hidden Victims of Domestic Violence.* California: California State University.

Magistrates Association (2016). *Magistrates Association*. Available at: https://www.magistrates-association.org.uk (Accessed: 4th June 2016).

Magistrates Court Act 1980, c. 43. Available at: www.legislation.gov.uk (Accessed: 3rd September 2015).

Mankind Initiative (2016) *Mankind Initiative.* Available at: www.mankind.org.uk (Accessed: 20th January 2016).

Marriott, D. (2006) 'Reading Black Masculinities', in Whitehead, S. (ed.) *Men and Masculinities.* Oxon: Routledge. Vol. IV. Pp. 7-22.

Mastrocinque. J., and McDowall, D. (2015) 'Does Recent Victimisation Impact Confidence in the Criminal Justice System'. *Victims and Offenders*. 11(3):482-499.

Matravers, M. (2010) 'The Victim, The State and Civil Society', in Bottoms, A., and Roberts, J. (eds.) *Hearing the Victim*: *Adversarial Justice, Crime Victims and the State.* Devon: Willan Publishing.

Maxfield, M.G. (2015) *Basics of Research Methods for Criminal Justice and Criminology.* 4th edn. Boston: Cengage Learning.

Mayring, P. (2000) 'Qualitative Content Analysis'. *Qualitative Social Research.* 1(2): np.

Medway Council (2015) *Medway Council Online*. Available at: www.medway.org.uk (Accessed: 23rd May 2016).

Men's Advice Line (2016) *Men's Advice Line*. Available at: www.mensadviceline.org.uk (Accessed: 19th January 2016).

Messerschmidt, J.W. (1993) *Masculinities and Crime: Critique and Reconceptualization of Theory*. Maryland: Rowan and Littlefield Publishers.

Messner, S.F., Felson, R.B., Hoskin, A.W., and Deane, G. (2002) 'Reasons for Reporting and Not Reporting Domestic Violence to the Police'. *Criminal Justice.* 40(3):617-647.

Miller, J. (2003) 'An Arresting Experiment: Domestic Violence Victim Experience'. *Journal of Interpersonal Violence.* 18(7):695-716.

Millet, K. (1970) *Sexual Politics.* New York: Willey Publishing.

Ministry of Justice (2012) *Child Abuse Loophole Closed*. Available at: https://www.gov.uk/government/news/child-abuse-loophole-closed (Accessed: 23rd April 2016).

Ministry of Justice (2015) *Code of Practice for Victims of Crime.* Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF (Accessed: 19th March 2016).

Ministry of Justice (2016) *Criminal Injuries Compensation Authority.* Available at: https://www.gov.uk/government/organisations/criminal-injuries-compensation-authority (Accessed: 23rd April 2016).

Muncie, J., (2015) *Youth Crime*. 4th edn. London: Sage.

Mythen, G. (2007) 'Cultural Victimology: Are We All Victims Now?', in Walklate, S. (ed.) *Handbook of Victims and Victimology.* Oxon: Willan Publishing.

National Victims Conference (2004) 'Conference Report: Supporting and Protecting Victims' – *Making it Happen*. London: Home Office.

Nicolson, P. (2010) *Domestic Violence and Psychology: A Critical Perspective*. London: Routledge.

Ostrov, J.M., Pilat, M.M., and Crick, N.R. (2006) 'Assertion Strategies and Aggression During Early Childhood: A Short-Term Longitudinal Study'. *Early Childhood Research Quarterly*. 21(4):403-416.

Oxford English Dictionary (2016) 12th edn. Oxford: Oxford University Press.

Patten, M.G. (1990) *Qualitative Evaluation and Research Methods*. 2nd edn. California: Sage.

Pavlou, P., and Knowles, A. (2001) 'Domestic Violence: Attributions, Recommended Punishments and Reporting Behaviour Related to Provocation by the Victim'. *Psychiatry Psychology and Law*. 8(1):76-85.

Philips, A. (2010) *Gender and Culture.* Cambridge: Polity Press.

Potoczniak, M.J., Mourot, J.E., Crosbie-Burnett, M., and Potoczniak, D.J. (2003) 'Legal and Psychological Perspectives on Same-Sex Domestic Violence: A Multisystemic Approach' *Journal of Family Psychology*. 17(2):252-259.

Protection from Harassment Act 1997, c.40. Available at: www.legislation.gov.uk (Accessed: 3rd September 2015).

Rawstorne, S. (2002) 'England and Wales' in Summer, R.W., and Hoffman, A.M. (ed.) *Domestic Violence: A Global View.* Wesport: Greenword Press. Pp. 25-38.

Refuge (2016) *Refuge.* Available at: www.refuge.org.uk (Accessed: 20th December 2015).

Renolds, E. (2001) 'Learning the Hard Way: Boys, Hegemonic Masculinity and The Negotiation of Learner Identities in the Primary School'. *British Journal of Sociology of Education.* 22(3):369-385.

Richards, L., Letchford, S., and Stratton, S. (2008) *Policing Domestic Violence.* Oxford: Oxford University Press.

Rock, P. (2002) 'On Becoming a Victim', in Hoyle, C., and Young, R. (eds.) *New Visions of Crime Victims*. Oxford: Hart Publishing. Pp1-22.

Rubin, A., and Babbie, E.R. (2009) *Essential Research Methods for Social Work*. 2nd edn. California: Brooks Cole.

Schippers, M. (2007) 'Recovering the Feminine Masculinity, Femininity and Gender Hegemony'. *Theory and Society*. 36(1):85-102.

Schwobel-Patel, C. (2015) *Critical Law Thinking: Nil's Christie's 'Ideal Victim' Applied: From Lions to Swarms.* Available at: http://criticallegalthinking.com/2015/08/05/nils-christies-ideal-victim-applied-from-lions-to-swarms. (Accessed: 3rd March 2016).

Serious Crime Act 2015, c. 9. Available at: www.legislation.gov.uk (Accessed: 3rd September 2015).

Shapland, J., and Hall, M. (2010) 'Victims at Court: Necessary Accessories or Principal Players at Centre Stage?', in Bottoms, A., and Roberts, J.V. (eds.) *Hearing the Victim: Adversarial Justice, Crime Victims and the State.* Devon: Willan Publishing.

Smith, C.L. (1985) 'Victim Compensation: Hard Questions and Suggested Remedies'. *Rutgers Law Journal.* 17(1):51-94.

Smith. D.E. (1990) *The Conceptual Practices of Power: A Feminist Sociology of Knowledge*. Toronto: University of Toronto Press.

Smolej, M. (2010) 'Constructing Ideal Victims? Violence Narratives in Finnish Crime-Appeal Programming'. *Crime, Media and Culture*. 6(1):69-85.

Spalek, B. (2006) *Crime Victims: Theory, Policy and Practice.* Basingstoke: Palgrave Macmillan.

Stanistreet, D. (2005) 'Constructions of Marginalised Masculinities Among Young Men Who Die Through Opiate Use'. *International Journal of Men's Health.* 4(3):244-265.

Straka, S.M., and Montminy, L. (2006) 'Responding to the Needs of Older Women Experiencing Domestic Violence'. *Violence Against Women*. 12(3):251-61.

Strang, H. (2001) 'The Crime Victim Movement as a Force in Civil Society', in Strang, H., and Braithwaite, J. (eds.) *Restorative Justice and Civil Society.* Cambridge: Cambridge University Press.

Strauss, M. (1999) 'The Controversy Over Domestic Violence by Women: A Methodological, Theoretical and Sociology of Science Analysis, in Arriaga, X.B., and Oskamp, S. (eds.) *Violence in Intimate Relationships*. California: Sage. Pp. 17-44.

Thompson, E.H., and Langendoerfer, K.B. (2016) 'Older Men's Blueprint for Being a Man'. *Men and Masculinities*. 19(2):119-147.

Tolson, A. (1977) *The Limits of Masculinity*. London: Tavistock.

Tonry, M. (ed.) (2010) *Retributivism Has a Past: Has Its Future?'.* Oxford: Oxford University Press.

Transform Justice (2015) *Transform Justice.* Available at: www.transformjustice.org.uk (Accessed: 1st July 2016).

Trujillo, M.P., and Ross, S. (2008) 'Police Response to Domestic Violence Making Decisions About Risk and Risk Management'. *Journal of Interpersonal Violence*. 23(4):454-473.

University Research Governance Handbook (2016) *Canterbury Christ Church, Research Governance Framework and Ethics*. Available at: https://www.canterbury.ac.uk/research-and-consultancy/documents/research-governance-framework.pdf (Accessed: 4th March 2016).

Victim Support (2016) *Victim Support*. Available at: www.victimsupport.org.uk (Accessed:20th December 2015).

Vidmar, N. (2002) 'Case Studies of Pre and Midtrial Prejudice in Criminal Litigation'. *Law and Human Behaviour.* 26:73-105.

Vogt, W.P. (1999) *Dictionary of Statistics and Methodology: A Nontechnical Guide for the Social Sciences.* London: Sage.

Walby, S., and Allen, J. (2004) *Domestic Violence, Sexual Assault and Stalking: Findings from The British Crime Survey*. Available at: http://www.lancaster.ac.uk/fass/resources/sociology-online-papers/papers/walby-hors.pdf (Accessed: 20th January 2016).

Walker, L.E. (1999) 'Psychology and Domestic Violence Around the World'. *American Psychologist.* 54(1):21-29.

Walklate, S. (2007) *Handbook of Victims and Victimology*. Oxon: Willan Publishing.

Welsh, E. (2002) 'Dealing with Data: Using NVivo in the Qualitative Data Analysis Process'*. Qualitative Social Research.* 3(2):np.

West, P. (1996) *Fathers, Sons and Lovers.* Australia: Finch Publishing.

Whitehead, S. (2001) 'The Invisible Gendered Subject: Men in Each Education Management'. *Journal of Gender Studies*. 10(1):67-82.

Whitehead, S.M. (2002) *Men and Masculinities*. Cambridge: Polity Press.

Whitehead, S.M., and Barrett, F. (2001) 'The Sociology of Masculinity', in Whitehead, S.M., and Barrett, F. (eds.) *The Masculinities Reader.* Cambridge: Polity Press. Pp. 1-26.

Wiles, R., Crow, G., Heath, S., Charles, V. (2008) 'The Management of Confidentiality and Anonymity in Social Research'. *International Journal of Social Research Methodology*. 11(5)-417-428.

Wispe, L. (1991) *The Psychology of Sympathy*. New York: Springer Science and Business Media.

Woman's Aid (2016) *Women's Aid Until Women and Children Are Safe.* Available at: www.womansaid.org.uk (Accessed: 20th January 2016).

Woodhouse, J., and Dempsey, N. (2016) *Domestic Violence in England and Wales*. (House of Commons No. 6337). London: House of Commons Library.

Appendix A: Consent Form

INFORMED CONSENT FORM
MSc by Research
Faculty of Social and Applied Sciences, Canterbury Christ Church University

NAME OF STUDENT: Louise Pearson
NAME OF UNIVERSITY SUPERVISOR: Dr Sofia Graca

TITLE OF RESEARCH PROJECT: Man Up! A Study of Representations of Masculinity and Domestic Abuse.

Thank you for considering being a participant in this research.

PURPOSE OF THE RESEARCH
This study is predominantly concerned with domestic abuse; looking at both male offenders and male victims. Academic research has previously focused on domestic abuse from the perspective of the police and the legal system. This piece of research is the first, to explore and present how Magistrates see Domestic Abuse within the court setting and the criteria in which a DVPO is issued.

PARTICIPATION IN THIS RESEARCH WILL INVOLVE
Participants of this study will be asked to participate in an interview, lasting no longer than 1 hour. The focus of the interview will be on domestic abuse; male offenders and male victims. There will also be questions about the new Protection orders introduced in March 2014.

BENEFITS TO THE PARTICIPANT OF PARTICIPATION
An email will be sent to participants acknowledging their participation. Furthermore, each participant will be sent a copy of the main findings from the research, if they so wish.

WHAT WILL HAPPEN TO YOUR DATA
All data and personal information will be stored securely within CCCU premises in accordance with the Data Protection Act 1998 and the University's own data protection requirements. Data can only be accessed by **Louise Pearson** and research supervisor, **Dr Sofia Graca**. It may also be published in academic works, but your name or identity will not be revealed. Data that is stored electronically will use participant codes so that you cannot be identified.

Any questions?

Please contact **Louise Pearson** at **School of Law, Criminal Justice and Computing** on ▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮ If you have any questions about your rights as a participant or feel you have been placed at risk you can contact **Dr Sofia Graca** on ▮▮▮▮▮▮▮▮ or ▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮

I confirm that I have read the above information. The nature, demands and risks of the project have been explained to me. (Delete as appropriate)
I have also been informed of any benefits to me from participation Or I have been informed that there will be no benefits/ payments to me for participation
I knowingly assume the risks involved and understand that I may withdraw my consent and discontinue participation at any time without penalty and without having to give any reason.

Participant's signature _____ Date _____

Investigator's signature _____Date _____

Appendix B: Information Leaflet

MSc by Research in Criminology Information Leaflet

A research study is being conducted at Canterbury Christ Church University (CCCU) by Louise Pearson.

NAME OF STUDENT: Louise Pearson

NAME OF UNIVERSITY SUPERVISOR: Dr Sofia Graca

TITLE OF RESEARCH PROJECT: Man Up! A Study of Representations of Masculinity and Domestic Abuse.

Background

This study is predominantly concerned with domestic abuse; looking at both male offenders and male victims.   Academic research has previously focused on domestic abuse from the perspective of the police and the legal system. This piece of research is the first, to explore and present how Magistrates see Domestic Abuse within the court setting and the criteria in which a DVPO is issued.

What will you be required to do?

Participants of this study will be asked to participate in an interview, lasting no longer than 1 hour. The focus of the interview will be on domestic abuse; male offenders and male victims. There will also be questions about the new Protection orders introduced in March 2014.

Feedback

An email will be sent to participants acknowledging their participation. Furthermore, each participant will be a sent a copy of the main findings from the research, if they so wish.

Confidentiality

All data and personal information will be stored securely within CCCU premises in accordance with the Data Protection Act 1998 and the University's own data protection requirements. Data can only be accessed by **Louise Pearson** and research supervisor, **Dr Sofia Graca**. It may also be published in academic works, but your name or identity will not be revealed. Data that is stored electronically will use participant codes so that you cannot be identified.
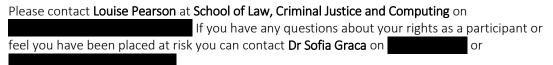
Dissemination of results

The data will inform the dissertation as part of the MSc. Participants will be offered the opportunity to receive a summary of the main findings of the study.

Deciding whether to participate

If you have any questions or concerns about the nature, procedures or requirements for participation do not hesitate to contact me. Should you decide to participate, you will be free to withdraw at any time without having to give a reason.

Any questions?

Please contact **Louise Pearson** at **School of Law, Criminal Justice and Computing** on ███████████████████████████ If you have any questions about your rights as a participant or feel you have been placed at risk you can contact **Dr Sofia Graca** on ███████████ or ███████████████████████

Appendix C: Interview Script.

Hello. Thank you for agreeing to take part in this interview. I assume you have read the participation leaflet and still wish to participate in this interview. As you are aware this interview will be asking questions surrounding the topic of male offenders and victims of domestic abuse and how they are viewed by Magistrates within a court setting. As part of the participation leaflet which was given to you, there was an opportunity to receive a copy of the main findings. Would you like to receive this? If at any point during this interview, you feel uncomfortable or need a break then please tell me, I will pause the interview until you are ready to continue. If you feel unable to answer the questions for whatever reason then I will move on, you do not need to give any reasoning as to why this is. You have the right to terminate the interview and you also have the right to say you do not want me to use this interview as part of the research. You will each be given code name, in the write up, so no one can be identified. Only I will know who has said what. Do you have any questions before we begin?

Section 1

1. How long have you been a magistrate? (Do you find it fulfilling etc.) 2. Why did you decide to become a magistrate?

Section 2

2. Have you received specific training for domestic abuse? (What was that?)
3. How many cases of domestic abuse have you specifically encountered?
4. What is the most common form of domestic abuse presented to you? (Age range of offenders/victims)

Section 3

1. Could you describe the process presenting a domestic abuse case to the magistrates?
2. How would you define the term 'Victim'? (Do you get to see the victim?)
3. How would you describe a male victim of domestic abuse? (Differ to other victims?)
   a. Would you say that there is usually a power imbalance between the victim and an offender? (in terms of demeanour and/or physical appearance)
4. How would you describe a male offender of domestic abuse? (Get to see the offender?)
5. Are there certain expectations when the case involves a male perpetrator and a female victim? (Male perpetrator the 'stereotypical').
6. Do the expectations differ for female offenders and male victims? How?
7. If a male offender (or male victim) from an ethnic minority were to appear before the courts and you had knowledge of their traditional customs, would you adjust the way in which you address them?
8. Is there a difference between an offender from a same-sex relationship to that of a heterosexual relationship?
9. Would your opinion of the offender alter if the offender (+victim) were a (1) mother or (2) father?
10. Do you think the way in which the lawyers present the case impact on the decisions made? (Judicial clerk).

_____

1. Introduction of the DVPOs (Protection Orders). Does it benefit only the victims/offenders?
2. Can you describe the process of issuing a Protection Order, in terms of decision making?
3. In your experience, do you think that enough is done for male offenders and victims of domestic abuse? (Rehabilitation, counselling, refuge, prison).

That concludes the interview. Thank you for taking part in this piece of research, a summary of the findings will be sent to you in due course (if you requested it). If you have any further questions, then please do not hesitate to contact me on ███████████████████.