

DOMESTIC VIOLENCE AND 'ROUGH MUSIC': A CASE FOR COMMUNITY-BASED INTERVENTION.

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Abstract

In this article we are curious to illustrate and contrast some of the ways in which domestic violence has been managed over time and place. To develop this contrast we compare recent (primarily Australian) western material with historical examples taken from early modern England. The focus of this discussion will be how intervention into domestic violence has shifted from a decidedly community-based to an authority-based system of monitoring social relations. We argue, in seeing many respects of this trend reversed, that there are good reasons for a more localized and community-based treatment of Domestic Violence.

Introduction

Domestic violence is a serious issue. In Australia this seriousness is reflected, in part, by the on-going attention it receives from academics, public and community sector commentators, legal authorities and the police. Some of this attention, no doubt, can be taken as being stimulated by a recent increase in the awareness of domestic violence as a public issue. Likewise, it can be suggested that this increase in public awareness about the seriousness and prevalence of domestic violence can be attributed to the manner in which authorities have handled the very reporting of the problem.

Within the last 30 years authorities have responded to public concern with solutions in the form of legislation, policy, programs and procedures for dealing with domestic violence. In centralizing control and constructing parameters that define domestic violence governments act as 'gate-keepers' when it comes to legitimizing victim-hood, certain types of issue management, treatment and prevention. This is made evident, in part, by the oscillating trends in treatment and programs funded by government, as well as funding priorities for research, advocacy, support and treatment. What is also evident from many government and non-government funded research is the difficulty in measuring the

full extent of domestic violence. The real prevalence of domestic violence is usually estimated based on the absence of reporting figures using the recorded statistics as indicative of the 'tip of the ice berg'.

The general trend, however, appears to suggest an increase in reported incidence of domestic violence. We are sceptical about what conclusions are to be drawn from recent statistical evidence, since it can be taken any number of ways. And this is precisely why we are sceptical. Does it, for example, tell us that reporting mechanisms have themselves improved, and thus the increase should be reflected as 1) that authorities now take the issue more seriously, 2) that reporting mechanisms are now more readily used, 3) that public servants are reporting the issue more. Or does it, on the other hand, tell us that 1) that domestic violence is actually on the increase 2) that victims are reporting 3) that more victims are reporting?

Literature has strongly focused on understanding the causes of domestic violence and strategies for its prevention and treatment. Our main concern lies within the domain of intervention. In particular, we are curious to illustrate and contrast the ways in which domestic violence has been managed over time and place. To develop this contrast we compare recent western material with historical examples taken from early modern England. In taking this approach we find it necessary to avoid the question of whether domestic violence has become of increasing or decreasing prevalence, or with the proposition that it has become more or less acceptable. Rather, the focus of our discussion will be how intervention into domestic violence has shifted from a decidedly community-based to an authority-based system of monitoring social relations. We argue, in seeing many respects of this trend reversed, that there are good reasons for a more localized and community-based treatment of domestic violence.

Definitions

Domestic violence has been at various times called 'wife abuse'; 'family violence'; 'intimate partner violence' or generally subsumed under violence against women. Historically it was often referred to as 'wife beating'. The Australian Commonwealth Office for the Status of Women has defined domestic violence generally as the abuse of power perpetrated usually by men against women in relationships or after separation (PADV 2000). It is acknowledged that domestic violence includes forms of abuse ranging from physical to psychological means (ibid: 5). In contrast, legalistic definitions of domestic violence are limited to specific acts recognized under legislation. While it is understood that the violence occurs within the context of domestic or family home, the law mainly recognizes 'actual' or 'threatened' violence or harassment between married or de facto partners residing in the same household or who have lived together (Alexander 2002: 2). Violence between other members of a family is usually dealt with under different legislation, also harassment is not defined in domestic violence legislation even though many women experiencing domestic violence are also subject to various forms of harassment (ibid: 88-89). Under the law other forms of non-physical violence are excluded and not amenable through the law, such as financial deprivation, social

isolation, humiliation and denigration (ibid: 3). While Dobash et al (2000) acknowledge the spectrum of violence in interpersonal relationships encompassing infrequent incidences of violence to systematic partner abuse, it is the latter that they distinguish from other forms of violent crime. Thus, for Dobash et al domestic violence is "systematic and sustained violence meant to harm, intimidate, terrorize, and brutalize...[it] is those relationships characterized by systematic or severe violence, by injuries, by fear, by intimidation, and by various forms of intervention." (2000: 4).

There are various pieces of literature, which contest the definition of domestic violence, and its predominately gendered nature (see Daniels 1997, Blackman 1989, Dobash & Dobash 1992, Pagelow 1981, Pahl 1985, Sampsel 1992 and Hester, Kelly & Radford 1996). For the purpose of this paper we define domestic violence as 'acts of abuse occurring between intimate partners in a familial household'. Current research (PADV 2000a) establishes the following forms of abuse as prevalent in cases of domestic violence: physical, psychological, sexual, verbal, social and economic. We acknowledge that there are other forms of abuse and violence in the family (such as child abuse, sibling, inter-familial etc), in addition to emerging data on violence in homosexual relationships (see PADV 2000a).

Before engaging with issues of a more material nature we should like to make our theoretical blemishes a little more pronounced. Though these become clear enough at later stages of the piece, we consider it important to let readers know what to expect before they get there. Principally, the theoretical position hinges on the idea that communities have established moral norms and when allowed to, will defend that moral territory in a way they deem fair and appropriate. Underlying the notion of 'appropriate' are established norms which themselves rest on how communities define 'justice'. This idea of 'justice' extends from a conception of individual actions (i.e. interpersonal or commutative) to something of broader political significance (social). We note that domestic violence, if conceptualized within these parameters, will no doubt then be considered along the lines of what sociologists and criminologists broadly define as 'deviance'.¹ There is clearly something to this since, as we view it, domestic violence will, in most cases, constitute a breach of some kind of moral code. Though we concede this point to functionalism, we do so mindfully and with two key reservations; 1) that we are talking about dynamic communities (not homeostatic social formations), and 2) that we consider acts of domestic violence as deeply problematic rather than necessary for defining a community's normative boundary.

The Current Context

Domestic violence is a recognized social problem, mainly understood as a gender specific issue (Naranch 1997:21) and has a considerable socio-economic impact on the community and the state (see economic costs to Australia in PADV 2003). In Australia, for example, all levels of government and non-government sector are involved in responding to domestic violence to varying extents, and there has been a wide range of interventions that have developed and refined over the years. The historical emergence and recognition

of domestic violence as a social problem has been aligned with the women's movement in the west during the 1960s through to the present day (Dobash & Dobash 1992: 23-25). The situation in Australia mirrored this trend resulting in the current mix of government and non government sector responses to domestic violence (Strand Hutchinson and Weeks 2004). Direct interventions for domestic violence in Australia and other developed countries predominately include the areas of: housing and accommodation, social support services, legal remedies, law enforcement and public health (PADV 2003).

In Australia, shelters and refuges for women and children escaping domestic violence were initially established through networks of women's activists and after many years of lobbying, refuges began to receive recurrent funding from the early 1980s (PADV 1999: 10). At present state and territory governments fund refuges under the Supported Accommodation Assistance Program (SAAP), in addition to public housing, community housing and Transitional Housing Programs. The non-government sector, predominately large church based charities, also provides a variety of housing programs and shelters for women and children who are forced to leave the family home due to violence. Over the years, increasing research into the diversity of women's needs has led to a better understanding about the impact of domestic violence on various groups of women. Housing and other agencies are constantly striving to orientate their services to meet the range of new needs, while trying to manage the present demands on their services (ibid: 17).²

Social support services include counselling for women and couples, specialist women's services, income support and more recently group programmes for male perpetrators of domestic violence. Direct services (such as income support and state health services) and funding to non-government organisations to deliver these services and programmes are provided by Commonwealth, state and territory governments. In addition, church based agencies also provide some welfare and social support services to victims of domestic violence. These agencies fund their intervention programmes through a combination of government grants and fund raising activities.³

While women's shelters and women specific services grew out of the women's movement, intervention for men has had a different history with the focus on perpetrator programmes only emerging in the last 25 years.⁴ A number of models for working with male perpetrators of domestic violence have developed in this time. There are generally five key approaches to working with perpetrators, which include: Insight models; Ventilation models; Cognitive Behavioural and Psycho Education models and Pro-feminist models (Edleson & Tolman: 1992). The different models draw on different explanations of domestic violence and have had enjoyed varied popularity over time. Research indicates that group programmes tend to have greater success; since these programmes draw on key aspects from each of the different models. In recent times in Australia the Pro-feminist approach to working with perpetrators has been favoured.⁵

Legal responses to domestic violence have largely revolved around recognizing the issue as an act of criminal assault under the law.⁶ These have also extended to amendments by the Commonwealth Family Law Reform Act 1995, by way of acknowledging domestic violence in custody and family disputes, as well as providing protection orders for women and children (Alexander 2002: 57). Law enforcement is another area of intervention where the police implement the rights of victims of domestic violence while enforcing the responsibility of perpetrators under the law. Considering the crucial role of law enforcement and correctional agencies in implementing the legal interventions in domestic violence, governments reinforced the criminality of domestic violence by educating these agencies on the seriousness of the issue and the appropriate legal handling of the problem. This has resulted in domestic violence training for police officers, the establishment of specialist domestic violence units within the police force and the development of protocols for dealing with domestic violence.

Despite enhancements in the training of law enforcement officers and improved protocols at this level, it is understood that victims of domestic violence will often present at hospitals for injuries, at general practitioners and other health facilities for physical and mental health concerns. For these reasons, the government has also focused on developing public health policies for screening for domestic violence in hospitals, protocols for addressing domestic violence through the public health system and providing intervention through allied and community health facilities.

The inter-sectoral nature of domestic violence has led a number of countries with different systems of government to prefer interagency or co-ordinated models of service in the area of domestic violence. The domestic setting of this form of violence and the interpersonal relationships of parties involved makes domestic violence a particularly complex crime and social problem. In the current climate, once the issue becomes public and intervention is sought, the familial or domestic setting requires multiple agency involvement for the treatment, protection and support of the victim and children involved. Similar levels of cooperation are required in order to punish/rehabilitate the perpetrator through the criminal justice system, or through other forms of intervention. Agencies involved mainly include: police, social services, local judiciary, correctional services, women's refuges and health service providers. A multi-disciplinary approach has been favoured in delivering effective intervention as it is deemed to provide the greatest consistency in policy and practice in addressing domestic violence for perpetrators and victims (PADV 2003b).

A number of internationally recognized approaches to inter-agency intervention in domestic violence are based on the Duluth Domestic Abuse Intervention Project (Edleson & Tolman 1992: 116). Other models have been based on this project; generally it aims to hold perpetrators accountable for their violence and considers confidentiality and privacy secondary to the victim's safety.⁷ While in Britain, the Home Office was the leading agency for interdepartmental initiatives in domestic violence policy that reflected a move towards an interagency approach and support for localized responses rather than the

centralizing of interventionist services (PADV 1999: 26). Though there is wide government support for, and evidence to indicate, the interagency approach to dealing with domestic violence is most effective for perpetrators and victims, this approach is often stifled by the different levels of bureaucracy, various funding priorities of governments and their legal jurisdictions. These present a barrier to the co-ordination of services as it is expected that agencies funded by government are to work collaboratively; however this has been dependent on the commitment of individual workers, thus the approach is often unsustainable without a designated worker or agency facilitating the co-ordination of interventions (ibid: 27).

There are a number of domestic violence initiatives currently running in Australia which range from crisis interventions through to prevention and primary research. All levels of government have accepted the seriousness of the issue and developed polices and programmes to respond to the problem in the community. Research conducted into measuring community attitudes about domestic violence demonstrates a general disapproval of this form of violence (PADV 2000); however other government funded research has indicated the prevalence and increase of reported incidences of domestic violence in the community which has been taken (PADV 2003) as indicating a disjuncture between community perception and state definitions of 'domestic violence'. Government in Australia plays a vital role in providing intervention; it also sets clear priorities for funding and future policy directions.⁸ Governments are increasingly the leading agencies in researching the various aspects of this social problem; they are also the main agency for collecting data and measuring the problem over time and consequently defining the parameters of the problem in law, policy and practice.⁹

'Rough Music': A Historical Example

Having so far looked at the contemporary context of domestic violence, we will now turn our attention to an account of how domestic violence was often managed in early modern England. The early modern period marks a highpoint of customary regulation in British social life. During this period, few aspects of social life escaped the attention of custom. In contrast to many contemporary urban communities, customary norms regulated all kinds of social, legal and economic entitlement. Underpinning these norms was a popular consensus on how social life should be organized, the distribution of tasks and rights, and importantly, that community justice was served. Individual liberties were recognized and protected and communities operated to defend their notion of collective right and well-being.

Families were both public and private structures and played an active part in community life. As public structures, little differentiation could be made between households insofar as concerns the net function of contributing to the public good. As private structures, households deployed a range of livelihood strategies marking their internal and external rights and duties. Though a public-private distinction can be made, this does not detract

from the expectation that such entities should conform to community norms about the standards of proper behaviour within and between families.

In the main, family, personal relationships and marital contracts were all subject to the discretion and will of the community. When community norms were broken, communities felt it necessary to reassert their values, both to maintain their collective rights, and to defend the rights of individual members. As the heart of social life, families, and the process of establishing a family, were regularly subject to accountability and intervention by the community, particularly when it was thought that popular conventions were broken.

One common form of reasserting customary norms in England was the practice of 'rough music' (see Thompson 1991). We are interested here to provide but a brief overview of the practice¹⁰. Known to social historians also as "skimmington", "riding the stang" and "lowbelling" (among others), "rough music" was a highly ritualized form of public humiliation. Consistent in the practice was a communal shaming of offenders involving mock parades, the burning and burial of effigies, and an ensemble of sound and noise amounting to the ultimate form of public harassment. One illustration of the practice describes "rough music" as "consisting of performances on cow-horns, salt-boxes, warming-pans, sheep bells, etc. intermixed with hooting, hallowing, and all sorts of hideous noises" (Malcomson 198: 105). Often accompanied by improvised instruments, such as kettles filled with stones or frying pans, the banging of doors and windows, the act of "rough music" was a hostile form of community discipline.

As an expression of popular sentiment, rough music was often exacted for offences relating to the family. According to Robert Malcomson, typical offences which resulted in rough music were "excessive wife beating (in these cases the women often staged the charivari), a marriage in which the wife was obviously the dominant partner, an old man contracting a marriage with a young woman". And as Malcomson notes "these were all regarded as very unnatural or improper forms of behaviour" (ibid). The following extended passage, recorded in the mid-nineteenth century, illustrates rough music in action, and importantly, in response to a case of domestic violence,

"As soon as it was dark a procession was formed. First came two men with huge cow horns; then another with a large fish-kettle around his neck, to represent the trumpeters and the big drum of serious processions. Then came the orator of the party and then a motley assembly of hand-bells, gongs, cow horns, whistles, tin kettles, rattles, bones, frying-pans, everything in short from which more and rougher noise than ordinary could be extracted. At a given signal they halted, and the orator began to recite a lot of doggerel verses, of which I can remember on the beginning

There is a man in this place.
Has beat his wife!!
Has beat his wife!!!

It is a very great shame and disgrace
To all who [live] in this place
It is indeed upon my life!!

....I was told the noise was heard two miles off. After keeping this up for near half an hour, silence was proclaimed, and the orator advancing hoped he should not be obliged to come again, and recommended better conduct for the future....it was believed to have the best moral effect on all parties...I believe it to have been a more effectual remedy than appeals to police magistrates...or even to the cat-o'-ninetails." (cited in Gillis 1985: 132)

As a form of community intervention the art of 'rough music' was typically deployed when members of the community had violated understood protocols of acceptable behaviour. The intervention was, in many respects, a form of public discourse between the offender(s) and members of the community regulated by the durability of custom. As E.P Thompson has observed, "until the early nineteenth century, publicity was of the essence of punishment. It was intended, for lesser offences, to humiliate the offender before her or his neighbours, and in more serious offences to serve as example" (Thompson 1991: 480). More serious offences resulted in community members drawing upon much the same rituals, but with far greater effect. In the street theatre of condemnation the ultimate punishment was a mock burial; "...To burn, bury or read the funeral service over someone still living was a terrible community judgment, in which the victim was made into an outcast, one considered to be already dead. It was the ultimate in excommunication" (ibid).

A case for 'community'

By aligning the management of domestic violence with community norms surrounding domestic violence, offenders are subject to moral considerations that are otherwise absent when managed exclusively by the state. We do not offer this suggestion as a perfect solution, since it can be argued that in some instances domestic violence falls, for some communities, within the limits of acceptable behaviour. We appreciate the cross-cultural distinctions that can be made here regarding what is deemed to be acceptable and that which is considered excessive. We also appreciate, and prefer, the view where all forms of domestic violence are taken as running counter to the common good of a society.

This latter view, in our opinion, provides a sounder basis from which communities can assert and defend collective notions of inter-personal justice. Where domestic violence is taken as a crime against the state, as opposed to a crime against the victim and thus the collective membership of the community, the enforcement of positive law marginalises the restorative potential of moral or customary laws. Our concern is not against the criminalisation of domestic violence. We, like many advocates in this field, endorse the position that domestic violence should be treated as a serious breach of interpersonal justice. However, we are mindful to note that such a claim does not necessarily entail that the crime is against the state.¹¹ To the contrary, we argue that domestic violence is a

crime against the common good, and thus transgresses the rights of the individual and community.

Several studies have asserted the importance of taking a 'holistic approach' to domestic violence. With few exceptions, however, this refers only to the way in which service providers and legal services should work together as a means of supporting the victim. Our approach to holism is somewhat different. Instead we understand holism as involving all agents. This approach, we argue, invites a different perspective on what rights and responsibilities are to be afforded to victims, offenders, communities and the state. It runs against the prevailing view, whereby the state mediates all parties; to the extent that it takes on the dual role of victim and protector. In this role the state charges the offender with an act of violence against itself, while with the actual victim it assumes the responsibility of post-incident support.

A recent example of this is the much-publicized case of Ingrid Poulson, whose estranged husband Phitkak Kongsom had killed their children, her father and himself during custody proceedings in September 2003.¹² In brief, the series of events that led to the deaths are as follows.

In July 2003 Ingrid ended a six-year relationship with Phitkak who then made threats to kill himself and their children. Ingrid reported the threats to police but charges were not laid. Another incident (in August) involved Phitkak threatening to kill himself in front of Ingrid and their four-year-old daughter. Police were called out but they did not consider Phitkak suicidal. Days after this incident, Ingrid applied for an Apprehended Violence Order (AVO).¹³ Phitkak was referred for counselling but there was a 10 week waiting period; he also sought help from doctors for anxiety. The NSW Department of Community Services [DoCS] was also notified of the incidences but was under resourced and did not investigate the matter, instead it was reported in the media that DoCS closed the file on the family two days prior to the murders taking place. During the court hearing for the AVO in late August Phitkak expressed his anger to the magistrate based on a belief the magistrate was attempting to separate him from his family. Within hours of the AVO becoming effective, Phitkak had breached the orders by contacting Ingrid. The breach was reported to police. Two weeks later when custody proceedings began, Ingrid and her children were living at her father's house during this time. On the 13th September 2003 Phitkak had arrived at the house carrying a knife he had recently purchased. Ingrid recounted being raped that night by Phitkak and how she managed to dissuade him from using the knife by giving him hope of a reconciliation. When Phitkak left for work the next morning Ingrid asked her father to mind the children while she went to the police. During which time, Phitkak had called to speak to Ingrid and was told by his father in-law that Ingrid was at the police station. When Ingrid returned to the house with police they found Phitkak had stabbed her father, their four-year-old daughter, 20-month-old son and himself. Amidst all of this there had been numerous threatening phone calls and one day prior to the murders Phitkak had sent letters to his family and friends requesting that his children's ashes be returned to Thailand (Phitkak's country of birth) along with his.

We accept that the case of Ingrid Poulson illustrates a minority of cases in domestic violence and the tragic limitations of the criminal justice system. If nothing else, however, it is important because (rare as it is) it highlights almost everything that we consider deficient in the current system. Research recently commissioned by the Australian Office for the Status of Women found that of the women surveyed who experienced domestic violence, 14% had reported this to the police or judicial system. This was slightly higher (16%) for violence perpetrated by non-partners. The report also recognized that reporting rates have traditionally been low for various reasons, and in many regards Ingrid Poulson can be considered alongside a minority of women who seek help through the criminal justice system (Mouzos and Makkai 2004: 102-106).¹⁴ This included reporting to police threats made by Phitkak to kill himself and their children in July, then another report to police when Phitkak threatened to kill himself with a knife; by this stage Ingrid may have sensed the increased danger of her situation and applied for an AVO. Consequently, Phitkak was referred for counselling and the family reported to the NSW Department of Community Services for intervention and support. However, the situation escalated leading to a breach of the orders, also reported to police. Finally, when Phitkak assaulted Ingrid the night before the murders, this too was reported to police. Each incidence of violence and threat of violence was followed by requesting assistance from appropriate state agencies and Ingrid went through the established protocols for obtaining protection for herself and her children.

It is not the intention here to highlight the systematic problems with the police, court staff and support services in dealing with this case. These failings are clear enough. Rather, what we want to focus on is the omission of the community in the debate about intervention in domestic violence. We see the value of community-based interventions as an alternative that can complement the state-based system in order to provide the best chance of a positive outcome for the victim, the children and offender.

Throughout the series of reporting to authorities what is apparent in hindsight was that Ingrid understood the level of danger to herself, her children and for Phitkak. However, testimonies given by police at the coroner's court indicated an interpretation of the incidences as being less urgent than they really were.¹⁵ Research into women's experience of male violence usually indicates that women often have a sense of the patterns of violence and behaviour of their partner and will disclose incidences of violence to family and friends more than to police or specialist services (85% compared to 15%) (Mouzos and Makkai 2004: 101). We are not drawing a long bow when we suggest that those closest to the victim (i.e. family and friends) could be in a good position to provide support.¹⁶ As many women use personal social networks for support, these networks and the community are disempowered when there is an over reliance on the state to be the sole protector and prosecutor in domestic violence. We are not advocating for the decriminalizing of domestic violence or reducing state support, rather, there is a point to encourage and support localized solutions allowing the community to express its disapproval of domestic violence and implement interventions. We have seen how

domestic violence is addressed through the current criminal system, state policies and procedures. The alternatives in the community-based approach need further attention.

Conclusions drawn from research into women's experience of violence concur that women are reluctant to report to authorities, however we should avoid translating this into a suggestion that women who experience domestic violence avoid seeking help. Instead, where possible they prefer to seek help through informal channels outside of the criminal/legal system (Mouzos and Makkai 2004: 98). Community-based interventions may provide a good alternative to the formal procedures of the legal and criminal systems, examples of community-based justice can be seen in the specialist/ family court, the drug court programme or circle sentencing. These approaches to crime as a social phenomenon seek to remedy by reinforcing notions of the 'common good' rather than using punitive measures of the law. There have been reports of success in rehabilitating offenders, providing victims with reparation for the crime inflicted and reduced recidivism (Stubbs 2004: 9-11).

Another important element to this approach is the level of community involvement in monitoring, implementing and evaluating justice in their community. Therefore, community participation is not limited to community consultation about crime or surveying community attitudes towards violence before policy and legislation are developed (i.e. tokenism). A community-based intervention must genuinely engage local people to act to protect and share responsibilities for the members of that community.¹⁷ Utilising and bolstering networks and existing community infrastructure as avenues for reporting is one way of minimizing the real and perceived disadvantages of reporting to police. A further benefit is that a community centre, for example, can provide a non-threatening environment to the victim and perpetrator to seek help. While programmes targeting male perpetrators are still evolving and some benefits have been documented, community-based intervention can complement this by placing greater responsibility on male perpetrators to confront their behaviour, its consequences on the family and community, while being supported to alter their cognitive and behaviour patterns.

Closing comments

Domestic violence represents a challenge that cannot be met by mere theorization. This is not to say, however, that re-thinking both the core and servicing dynamics of this problem cannot greatly improve outcomes for victims, communities and offenders. To the contrary, we have argued that there are conceptual elements surrounding domestic violence that heavily influence legal and community praxis. We have not sought to reconceptualise domestic violence itself, but to engage the theoretical basis that surrounds intervention into it. Hence we have introduced historical examples here as one way to explore different models of intervention. These examples serve to highlight two distinct approaches to intervention; notably, one era where domestic violence registered as an infringement against people and communities, and one era where domestic violence is handled as a crime against the state.

End Notes

- ¹ For examples of this tradition see A. Cohen (1966) *Deviance and Control*. Prentice-Hall. Englewood Cliffs ; S. Denisoff and C. McCaghy (1973) *Deviance, Conflict and Criminality*. Rand McNally. Chicago; I. Taylor, P. Walton and J. Young (1973) *The New Criminology: For a Social Theory of Deviance*. Routledge and Kegan Paul. London; D. Gibbons and J. Jones (1975) *The Study of Deviance: Perspectives and Problems*. Prentice-Hall. Englewood Cliffs; M. Konty (2005) 'Microanomie: The Cognitive Foundations of the Relationship between Anomie and Deviance' in *Criminology*. February. Vol 43. Issue 1, pp.107-132. Also see the journal *Contemporary Sociology* where two entire volumes (1994,1995) were generously dedicated to examining the themes 'Criminology, deviance and law'
- ² Research in recent times has contributed to better understanding of the needs of women from Non English Speaking Backgrounds, Indigenous women, women living in rural and remotes areas, disabled women and women in homosexual relationships.
- ³ Notable non-government agencies providing intervention include Salvation Army, Anglicare, Uniting Care and Wesley Mission.
- ⁴ For discussions of perpetrator programmes in Australia, Canada, US and UK see Partnership Against Domestic Violence,(2003a), Working with Men, Ministerial Council for Aboriginal & Torres Strait Islander Affairs (2000) report on Working in Indigenous Perpetrator Programs and Edleson & Tolman (1992) *Intervention for men who batter: An ecological approach*. Full details in references.
- ⁵ Evaluations of perpetrator programmes see Keys Young (1998), *Ending Domestic Violence? Programs for Perpetrators: National Campaign Against Violence and Crime*, Ripper. M, (1998), *Evaluation of male perpetrator programs- Working in Progress*, Department of Social Inquiry, University of Adelaide and B. Pease and C. Grace, (1996), *Service Responses to Perpetrators of Domestic Violence Proceedings of the National Domestic Violence Forum*, Parliament House ACT, D.C Adams (1988) 'Treatment models of men who batter: A Pro- feminist analysis, in *Feminist Perspectives on wife abuse*, K. Yllo & M. Bograd (eds).
- ⁶ Domestic violence offence is defined in the Crimes Act 1900 (NSW), Domestic Violence (Family Protection Act) 1989 (Qld), Domestic Violence Act 1994 (Qld), Crimes (Family Violence) Act 1987 (Vic), Domestic Violence Act 1986 (ACT), Domestic Violence Act 1992 (NT).
- ⁷ Other important elements of the project include: shared philosophy on policies and practices amongst agencies; consistent approach through agency networks; development and monitoring of protocols; programmes for both victims and perpetrators and evaluation of outcomes of programmes. R. Busch and N. Robertson 91994), 'Ain't no mountain high enough (to keep me from getting to you): An analysis of the Hamilton Abuse Intervention Pilot Project' in J. Stubbs (ed) *Women, Male Violence and the Law*, Institute of Criminology Monograph Series No.6, Federation Press, Sydney.
- ⁸ Commonwealth priorities for prevention and intervention are set in the evaluation reports on Phase 1 of the Partnership Against Domestic Violence, these include: PADV (2003), *Community Awareness and Education to Prevention, Reduce and Respond to Domestic Violence Phase 1 Meta-evaluation Report*, PADV, (2003), *Working with Women affected by Violence: Phase 1 Meta-evaluation Report*, PADV, (2003), *Domestic Violence: Working with Men: Phase 1 Meta-evaluation Report*. Full details see references.
- ⁹ Research in this area has been conducted by the Australian Bureau of Statistics (ABS) in the Crime and Safety Survey (2002), *Women's Safety Australia* (1996). The Australian government also conducts research through the PADV initiative, while the federal and NSW state government have also been criticized for reducing or inadequately funding women's peak bodies,

thereby limiting their ability to effectively collect data on domestic violence and provide advocacy and advice to governments. See A. Summers, (2004) *The End of Equality: Work, Babies and Women's Choices in 21st Century Australia*. Random House Publishers. Sydney, for a thorough discussion of this situation in Australia.

¹⁰For a typically exhaustive account of this phenomenon see E.P Thompson's chapter entitled 'Rough Music' in his (1991) *Customs in Common: Studies in Traditional Popular Culture*. The New Press, pp.467-538. Further examples of the practice can be found in M. Ingram (1984) 'Ridings, Rough Music and the "Reform of Popular Culture" in Early Modern England' in *Past and Present*. No.105. B. Bushaway (1982) *By Rite: Custom, Ceremony and Community in England 1700-1880*. Junction Books Ltd. London, pp.199-201.

¹¹For an interesting example of where states themselves breach rules and commit crimes consider T. Ward and P. Green (2000) 'Legitimacy, civil society, and state crime' in *Social Justice*. Vol 27. Issue 4, pp.76-94.

¹²Sydney Morning Herald, 13 July 2005, p.4.

¹³Police reportedly said that Ingrid appeared more concerned for Phitkak than for herself or her children.

¹⁴Reasons for not reporting to police after an incidence of domestic violence in order of frequency: Victim felt incident was too minor; dealt with it herself; keep issue private; fear of offender; shame and embarrassment; and did not think police could do anything. These reasons from the Mouzos and Makkai (2004) report also correlate to findings in the ABS (2002) survey Crime and Safety.

¹⁵Coroner's court hearing of the case held 12 July 2005, Sydney Morning Herald 13 July 2005, p. 4.

¹⁶Mouzos and Makkai, (2004), also found that support from family and friends in domestic violence situations has a strong impact on the well being of victims and their decisions to seek help.

¹⁷See Julie Stubbs, (2004), *Restorative Justice*, (full details in references) for a thorough overview and discussion of restorative justice in domestic violence. While the criticisms of restorative justice in domestic violence are valid, the concept could be developed further with proper resourcing. We are not advocating for polarised models of intervention between the criminal justice and restorative justice systems, rather any appropriate and effective intervention must consider the safety of victims, work towards rehabilitation and protect communities.

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