



## Book Review

# Domestic Violence and Criminal Justice

Ambily P\*

**Nicola Groves & Terry Thomas, *Domestic Violence and Criminal Justice*, Routledge, New York, 2014; Pp. x+150; ISBN: 978-1-84392-820-1.**

‘Domestic Violence and Criminal Justice’ provides an elaborate analysis of the criminal justice system relating to domestic violence in England and Wales. It explains not only how the criminal justice system addresses the issue to support the victims of domestic violence, but also discusses the law’s approach in dealing with the perpetrators of these crimes. To this end, this work supplies the reader with an overview of the key policies, practices and initiatives that have been developed in the United Kingdom in respect of domestic violence.

Prior to 1970, ‘domestic violence’ was never identified as a social issue. It was considered a private matter, and no legal interventions were permissible in this regard. However, after that, there has been an identifiable increase in the recognition of domestic violence and its various forms. Owing to the initiatives by the feminist movements and the recognition of domestic violence as a human right violation by the United Nations through the Convention on Elimination of All Forms of Discrimination against Women in 1979, there have been many state initiated actions to address, and deal with, this issue.

The recent trends favour recognizing domestic violence as an offence upon which the state can initiate legal action. This becomes significant because the victims of domestic violence including women

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\*Assistant Professor, School of Law, Christ University, Bangalore, Karnataka, India; ambily.p@christuniversity.in

and children are often unaware that domestic violence is a legally actionable offence. Owing to this, reporting of such cases by victims of domestic violence remains scant. In this respect, state-initiated-action approach will prove to be very effective, as the state takes preventive or deterrent steps to control acts constituting domestic violence within their local jurisdictions. In the United Kingdom, the legal response to domestic violence was both through civil and criminal law by virtue of the Domestic Violence, Crime and Victims Act, 2004<sup>1</sup>. Thus, the law on domestic violence in the United Kingdom protects various categories of persons by providing multiple remedies. It is also important to adopt a human rights based approach to the issue of domestic violence. Hence, the involvement of state parties to the same need to be assessed in pursuance of academic interests. In this regard, the criminal justice system can take an active role in preventing the occurrence of such offences by visiting deterrent effects upon the perpetrators of such crimes.

The book is divided into seven chapters. Chapter 1 titled 'Understanding Domestic Violence' provides a conceptual analysis of the social issue of domestic violence through various definitions. The authors also focus on theoretical explanations that have been used to identify the causes of domestic violence. Alternative terms such as domestic abuse, intimate partner violence, family violence, honour based violence and gender violence are also analysed in order in the interests of greater conceptual clarity.

Chapter 2 delves into 'Explaining Domestic Violence'. This chapter focuses on theoretical explanations in order to identify the root causes of violence. The authors adopt an analysis based on patriarchy, gender symmetry and coercive control. It contains an in-depth analysis of the causal factors which are specific to a given society. This is significant for the reader as it covers the determining factors of domestic violence and the reason lies in gender inequality in the society.

'Law and Policy' dealt with in chapter 3 provides the reader with an overview of legal and governmental policy developments in United Kingdom. The criminal legal framework on domestic violence is

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<sup>1</sup> (This legislation amends Family Law Act, 1996 which provided only civil remedies in the form of orders to the perpetrators of violence).

discussed in this chapter in detail. It also provides a comparative analysis of the criminal justice system as against the civil remedies available in cases of domestic violence. The significant feature of this chapter is its focus on different stages of policing such as arrest, detention, investigation and charging, in the event of domestic violence.

‘Policing’ in chapter 4 emphasizes the government projects related to crime reduction, and appreciates the same in reducing domestic violence. The success of these projects has proved that the ‘duty of positive action’ by the police can have a positive impact upon the justice system.

In chapter 5, the authors elaborate on the role of prosecution in handling cases involving domestic violence. It also outlines the procedures of charge and prosecution. The research in this area reminds us of the fact that cases of domestic violence need to be dealt with according to the peculiar and sensitive nature of the issue, giving due regard to the relationship between the victim and the perpetrator.

‘The Courts, Sentencing and Punishment’ is discussed in the Chapter 6 of the book. Here, the authors provide an overall view of the procedures of cases in criminal and civil courts. This chapter concludes by adopting a multi-agency approach involving counselors and other related agencies as the criminal justice system can only be a partial response to the issue.

The last chapter, titled ‘Responding to Domestic Violence’, explores the development of multi-agency work on domestic violence from 1970s to the present day. It also appreciates the initiatives made by specific agencies such as Multi-Agency Public Protection Arrangements (MAPAA), Independent Domestic Violence Advisors (IDVAs) and Multi-Agency Risk Assessment Conferences (MARAC).

In all, this book is very useful for a researcher on domestic violence, supplying as it does a comprehensive and thorough knowledge of the criminal justice system in United Kingdom. It provides us with a comprehensive review of the legal regime of United Kingdom such as the Human Rights Act, 1948, Family Law Act, 1996, Domestic Violence, Crime and Victims Act 2004 and so on. The authors take the reader from a basic understanding of ‘retributive model’ where the

emphasis is on punishment to the 'restorative model' where the objective is to repair the harm inflicted. This book also helps us to identify the pitfalls of the existing legal system dealing with domestic violence in India.