6 Feminist Voices, Gender and Victimisation

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Introduction

This chapter commences from a position that accepts the patriarchal nature of western societies, that is, the law, or rule of the father. Such societies will feature male domination in a broad and cultural sense and in institutions such as the legal system where a male standpoint and interests preside. Drawing on this universally accepted feminist position, this chapter explores how gender relates to victimisation. The content is organised around three main headings, feminism and victimhood, sexual crimes and victimisations, and responses to victimisation. Under these themes the chapter applauds the theoretical, policy, practice and research achievements of feminist approaches. It explores how feminist thinking has furthered both our knowledge about serious forms of violent victimisation and gendered theorising of perpetrators and victims of crime. It illustrates the patterns and processes associated with victimisation and highlights how gender matters most in respect of revealing the nature and extent of sexual crimes (Davies 2014). The example of rape is used to illustrate the influences of feminist voices in our understanding of victimisation. This organising framework facilitates a reflexive discussion whereby gender-wise approaches alongside some seemingly intractable feminist conundrums that appear to be impeding feminist theorising particularly in areas of victimisation that affect women and children affected by sexual abuse.

Feminism and Victimhood

Is feminism and victimhood an oxymoron? The reader is encouraged to think about this as the chapter proceeds and to ponder the conundrums subsumed within this sub-title. First, by drawing on the work of early victimologists, we unpick how men and women have been considered as victimologically. A brief summary of how feminism infiltrated criminology is then provided followed by an outline of how different feminisms approach the study of victimisation.

Men, Women and Victimology

The victim typologies developed by Von Hentig and Mendelsohn in the 1940s and 1950s provide a useful starting point. Von Hentig identified some people - women, children, the elderly and the mentally subnormal - who were likely victims. Mendelsohn's typology was underpinned by the underlying legalistically influenced concept of 'victim culpability'. Later contributions, in the 1970s introduced the concept of 'risky lifestyles' together with a focus on public spaces - as opposed to homely private spaces - as locations for criminal victimisation and Amir extended the repertoire of controversial concepts in victimology in claiming evidence of victim precipitated rapes. The idea of inviting rape continues to plague women seeking justice as rape victims today. These contributions capture the essence of the fundamental assumptions in early victimological thinking and bear the traditional hallmarks of positivist traditionalism. Such perspectives have a strong hold over our understandings of how victimisation is researched, how it occurs, what form it takes, how often it happens, why it happens, when and where it takes place and who it happens to. The contesting of this legacy underpins much of the content of this chapter.

These early efforts to distinguish between victims and non-victims produced typologies of victims which caricatured victimhood. Christie's (1986) illustration of this via the use of the Weberian notion of an 'ideal type' and the allegory of Little Red Riding Hood is a classic reference point. The 'ideal victim' is used to depict the classic victim as a young, innocent female out doing good deeds who is attacked by an unknown stranger. This has become the touchstone for understanding a legitimate and 'deserving' victim, that is, someone who readily and easily acquires the label of victim. In the hierarchy of victimhood, she occupies the top level of 'true' victimhood, she does not need to seek out sympathy or support (Cole's 2007). She is not culpable, precipitous or plagued by having a risky lifestyle or a blemished past of non-respectability.

In contrast to this characterisation of women as the archetypal victim are men who are largely exempt from victim status and rendered invisible as victims. Men and males are stereotyped as fearless criminals.

Feminism and Victimisation

In beginning to ponder the uneasy juxtaposition of the words feminism and victimisation, this preamble acknowledges the feminist critique of criminology initiated by Smart in 1976. Pioneering work followed throughout the 1980's that had major implications in terms of understanding women as victims of violence from men. This era also shaped our understanding of criminal women as socially and economically marginalised and framed female offenders as suffering at the expense of unjust, sexist, bias and patriarchal systems and institutions, introducing women as vulnerable and socially and culturally victimised. Rumgay (2010) uses the concept of the 'victimised offender' to identify women's needs arising from their legacy of victimisation. After pioneering feminism and empirical testing of sexism and discrimination, different feminist voices emerged. These voices are threaded throughout the chapter. First however, we consider the historical backdrop in which the feminist critique of criminology developed.

The second wave of feminism and the political climate in the United States and later in the United Kingdom fuelled radical and left unrest and activism. Scholarship throughout the 1970's, and 1980's reflected criminologically this changing political mood and challenged conventional and traditional definitions of the crime problem. It offered alternative foci by problematising the role of the state and turning the spotlight upon women victims of violence in the home. Feminist voluntarism and activism resulted in the formation of various support groups. For example, the national charity Women's Aid was founded. Now having been established for over forty years, and emerging out of the women's rights' movement, it is run by women, for abused women and their children. It has long been a key provider of temporary refuge accommodation and has campaigned to increase legal protection for survivors. Similarly, rape crisis interventions and later rape suites were established.

These historical developments prompted a proliferation of feminist ideas and feminisms including liberal, radical, socialist and post-modern feminisms (See Cain 1990, Harding, 1987; Hudson, 2011). A liberal approach challenges sexism and promotes equality. Equality based arguments are based on the belief that parity – non-discrimination – is seen to result from men and women being treated the same. The

affinity with a human rights concern that all should be treated equally, fairly and with dignity is clear. A recent concern is that 'carceral feminism' has resulted - an escalation of punishment for criminal women (Bernstein 2012). Radical feminism challenges men's sexual power over women and argues for the foregrounding of women's knowledge. Socialist feminism dwells on the interplay between patriarchy and capitalism instisting the intersectionalities of class-race-sex-gender-age be accounted for in the search for social justice. A post-modern feminism accommodates different standpoints and gives voice to diversity. As noted above, gender-neutrality is wedded to equality based feminist positions whilst gender-specific policy advocates are wedded to difference based perspectives (Daly 1994). Rather than a unified 'sisterhood', a range of feminist voices have informed the study of victims of crime and these feminisms can be compared and contrasted (see Davies 2007). The common factor is that each challenges the conventional victimological agenda, ask the 'woman question' and are oriented *for* rather than *on* women.

Radical feminism in particular seeks to deconstruct the distinctions between nature and culture, the public and private. In focussing on women and the home, the subordination of women through sexuality and reproduction is emphasised. How men exert power over and through women's bodies becomes visible. Their systematic analysis of the nature of women's oppression has been a precursor for campaigns to end male dominance and control focussing in particular upon sexual violence. The term survivor is preferred as part of the resistance to the passive connotations of victimhood. Walklate highlights: if the genealogy of the word 'victim' is examined it is connected to processes of sacrifice in which the victim was more often than not female; when the word 'victim' is gendered, as in French for example, la victim is denoted as female (Walklate 2007). The approach adopted by the feminist driven and principled voluntary organisation Rape Crisis has explained the importance of the labels and terms used:

> *'…using the term 'survivor' makes clear the seriousness of rape as, often, a life-threatening attack. Second, public perceptions are shaped by terminology and the word 'victim' has connotations of passivity, even of helplessness. In the context of a movement which aims to empower people who have been victimised, this is clearly inappropriate: 'using the word ''victim" to describe*

> *women takes away our power and contributes to the idea that it is right and natural for men to ''prey" on us'* (London Rape Crisis Centre: in Williams, B. 1999:ix)

'Survivor' challenges public perceptions of the female victim as helpless, powerless, blameworthy or victim-prone. It signifies all of the negotiating and coping strategies women employ to live their daily lives. The tensions between victimhood/survivorship are more widely problematic since this either/or distinction fails to capture and appreciate the process whereby an individual becomes identified as a victim (Walklate). This point is worth remembering in the content of 'difference-based' feminism perspectives as it is possible that female victims, at different points in time in relation to different events could be active victims, passive victims, active survivors, passive survivors, or at a point on a whole range of experiences in between.

The 'equality-difference debate' continues to haunt women activists and theorists alike. One avenue, explored by Walklate in 2003, was to consider whether there can be a feminist victimology. The tensions between conventional victimological concerns and a feminist –informed agenda are at the heart of this question. Rather than concluding 'No', she refines the question to - can there be a feminist informed victimology? (2003:38). Key to this is a focus on the inter-relationship between agency and structure. So, to understand women's powerlessness and survivalism, the structural location of women and their negotiation of this is key. Despite the problems posed by the 'equality-difference' debate, feminist thinking has succeeded in emphasising hidden processes, and, as Goodey notes '*feminist research has done much to recast women outside the stereotype of passive victims of male aggression'* (Goodey 2005:83). Feminist challenges to traditional and conventional victimological perspective have made four significant inroads. First, they have established that women suffer almost exclusively from some forms of victimisation. Second, they have demonstrated a gender patterning to *risk* and *fear* of victimisation. Third, they have exposed the - dangerous for women - divide between the public and private in terms of policing and protection from violence and fourth, they have highlighted the sensitivities afforded by a gender-wise approach to responding to victims can be lifesaving.

Gender and Victimisation

In patriarchal societies, cultural and social cues tend to be overlaid upon sex-based distinctions. The imaginary, yet at the same time very real, dichotomies that extend beyond sex-differences to gender traits are important to untangle. Since the criminological empirical testing phase of sex differences and discrimination, equality based approaches have been complemented by other feminist voices so that we now have a *gendered* appreciation of the crime and victimisation problem. However, confusion is apparent in contemporary readings and conflation of these terms is often evident.

Walklate's description of sex/gender differences remains useful: 'sex differences, i.e. differences that can be observed between the biological categories, male and female: they are not necessarily a product of gender. Gender differences are those that result from the socially ascribed roles of being male or being female, i.e. masculinity and femininity' (Walklate, 2004:94, also Renzetti 2013). Victimologically, a sex based analysis might start by exploring women and girls' share of the experience of victimisation as compared with men and boys' share. A *gender based* analysis adds another dimension to our understanding. Socialist and radical feminists would be variously concerned with the inequalities and power differentials that complement the sex based-analysis, turning the analysis into one which is gender-wise. Thus sex-based analyses are important but it is the products of gender that provide a deeper understanding of the significance of power, powerlessness and, in the context of crime and victimisation, vulnerability.

Some oft used gender related terminologies include 'gender bias'. This is the antithesis to the associated concepts of 'gender freedom' and 'gender-neutrality (read also 'gender-myopia/blindness'). Gender-bias or gender specificity will either foreground gender or have a very definite and specific masculinist or feminist orientation to it. Where something is assessed as gender-free or neutral this suggests either that there is a failure to consider gender at all, or, that a gender dimension is not evident or paramount. However, MacKinnon's (1987) feminist philosophy suggests that gender-neutrality simply equates to the male standard where masculinity and

maleness are the yardsticks against which judgements of others are made. This idea is seen in Von Hentig's typology of victims where the normal person against whom the victim was to be measured was gender-free though this neutral person is effectively the white, heterosexual male. Thus gender-neutrality masks the male standard.

Feminist thinking still has a bearing on the study of victims in part because the positivist legacies which include the 'male standard' linger loud. The early attempts to differentiate victims from non-victims now manifests in a hierarchy of victimisation. Some women qualify as ideal victims (Christie 1986) whereas others are less worthy and depicted as culpable and precipitous. Presumptions that all victims of sexual violence are female (and all perpetrators male) and that men are never vulnerable, fearful or at great risk to victimisation continue to be bolstered. Men constitute the 'Victimological Other' (Walklate 2016) rendering the sexual victimisation of men hidden from view.

The Gender Bias to Victimisation: Sexual crimes and victimisations

Caricatures of men as non-victims and of women as victims and associated myths and stereotypes persist despite clear and consistent evidence from survey based research (see the British Crime Survey since the early 1980's), that men are most at risk from almost all forms of criminal victimisation but especially violent crime. In 2013/14 a higher proportion of men (2.3%) reported being a victim of violence than women (1.4%) (MoJ 2014). However, drilling into the violent crime experience by crime type and sex we find that men suffer the types of violent victimisations that occur on the streets and in public spaces. In focussing on sexual crimes and victimisation, and on those that take place in private spaces, we find this over-riding pattern to violent crime is subverted producing a gender gap in respect of such interpersonal violence. In 2013/14 men were more likely than women to be a victim of violence by an acquaintance or stranger, but women were more likely than men to be a victim of domestic violence. The Ministry of Justice reports that: 'as in previous years, in contrast to findings on overall violent crime victimisation, women were more likely than men to have experienced intimate violence across all the headline types of abuse asked about' (MoJ 2014: 28). In 2012/13 women were seven times more likely to

have reported having experienced sexual assault than men. Rape is an exception to the more general pattern of victimisation, which is usually higher for males than females.

Feminist influences have exposed the serious forms of victimisation that take place in the domestic sphere. Women bear the suffering of such inter-personal violence's and they suffer at the hands, in the main, of men. Thus, if we summarise what we know about the patterns to rape, we find a highly gendered crime with a staggeringly high percentage of rapes committed by someone known to the victim. Age combined with sex renders some women more at risk to sexual violence and these variables structure women's fear of sexual violence from men. We also know that women not only fear rape but also, they deal with risk and fear via different day-to-day coping strategies and support networks. In terms of justice after experiencing rape we know that:

- The number of rapes reported to the police has gone up in recent years
- The number of convictions for rape has remained constant in recent years
- There has been a drop in the conviction rate from 33% in 1977 to just over 5% today.

Women's Aid continues to announce that on average of two women a week are killed by a partner or ex-partner in England and Wales (Women's Aid 2016). Confirming the poor state of the conviction rate, they also report that only one in five women using domestic abuse services had seen a criminal case or ongoing criminal proceedings against the perpetrator (Women's Aid 2016). The prevailing message about the rate of violent crime from 1994-2014, according to the headline findings from the Crime Survey for England and Wales (CSEW) is that the rate is falling. Walby and colleagues (2016) challenge this. They report the fall in the rate of violent crime has stopped and that this is due to the increase in violent crime against women. At the end of 2015 police data showed a continuing rise in recorded sexual offences, (especially marked since 2013) figures up 29% on the previous year; (an additional 23,349 offences) bringing the total to over 100,000 in a single year for the first time (103,614). This year showed the numbers of rapes (34,741) and other sexual offences (68,873) were at the highest level recorded since the introduction of the National Crime Recording Standard in 2003. The tightening of police recording practices

following a HMIC's inspection of crime recording in 2014, which found that sexual offences had been substantially under-recorded (by 26% nationally) and which subsequently provoked police to review their recording processes, is thought to partly explain the higher level of recording. Increases seen throughout 2014 and 2015 are due to a rise in current offences. A rise in the recording of historical offences (those that took place more than 12 months before being recorded by the police) is the reason for the consistent rise in police recorded sexual offences since 2013, prior to this, and since 2008, the trend in sexual offences was broadly flat. The high-profile coverage of sexual offences and the police response to reports of historic sexual offending during and following Operation Yewtree in 2012 (following the exposure of Jimmy Savile as a prolific and serial paedophile) is also thought to explain this rise having prompted a greater willingness of victims to come forward to report such crimes (Flatley 2016).

Rape Myths

The drop in the conviction rate referred to above warrants explanation and this is discussed further in the context of 'attrition' later in the chapter. However, part of the explanation lies in rape myths that feed into the tendency towards the disbelieving of complainants. Rape myths are commonly held beliefs about rape that are ill-informed and misconceived. Scholars (see Jones 2012) and organisations working to support women (Rape Crisis - http://rapecrisis.org.uk/mythsvsrealities.php) are concerned to de-bunk such myths. Myths suggest women: lie about it and make false allegations; really want, enjoy rape and provoke it; can prevent rape; should put up a fight and show signs of struggle and will sustain genital injuries and that women are less traumatised by rape by a non-stranger. Myths abound about male rapists too. These myths suggest that rapists have uncontrollable urges and cannot help themselves, are sex fiends and predatory strangers.

The Rape Crisis website gives examples of rape myths and contest these by providing the real facts:

Rape Crisis: Rape Myths – Myth vs Reality

Myth: Women are most likely to be raped outside, after dark and by a stranger, so women shouldn't go out alone at night.

Fact: Around 10% of rapes are committed by 'strangers'. 90% of rapes are committed by known men, and often by someone who the survivor has previously trusted/loved. People are raped in their homes and workplaces. Rapists can be friends, colleagues, clients, neighbours, family members, partners or exes.

Myth: When it comes to sex, women and girls sometimes 'play hard to get' and say 'no' when they really mean 'yes'.

Fact: Everyone has the legal right to say 'no' to sex and to change their mind about having sex at any point of sexual contact; if the other person doesn't stop, they are committing sexual assault or rape.

Myth: Someone who has willingly drunk lots of alcohol or taken drugs shouldn't then complain about being raped.

Fact: In law, consent must be fully and freely given by someone with the capacity to do so. If a person is unconscious or incapacitated by alcohol or drugs, they are unable to give their consent to sex. Having sex with a person who is incapacitated through alcohol or drugs is therefore rape.

Rape Crisis England & Wales.

Rape myths suggest that public opinions of adults in Britain are out of touch and ignorant of the high number of women raped every year. The reality is that women are held to blame for rape.

Gender Sensitivity: Rational/Irrational Fears

In 1983 a debate was ignited about irrational and rational fears as survey data appeared to prove that women's fear of victimisation from men was irrational. Stanko (1988, 1993) deconstructed this from a feminist perspective and since then she has

challenged the notion that all women are always afraid and are fearful of crime (Pearce and Stanko 2000). Stanko persuasively argues that if women are fearful they have just cause to be so, reminding us of the huge 'dark figure' of sexual crimes and domestic violence against women. Women continue to be subjected to high levels of violent victimisations much of which is unreported and/or under-recorded.

Another dimension to understanding women's fearfulness requires us to unpick the rational man of science. What a man may consider rational may not be considered so by a woman (Walklate 1995). Drawing on feminist philosophers Harding (1987) and Ruddick (1990) and in the context of gendered sexual violence, Lees has commented that 'It appears that there are different conceptions of rationality, which may be determined partly by the social and gendered background and experiences of individuals as well as the really different possibilities which exist between men and women (Lees 1997: 139). These feminist voices argue women's fears are entirely reasonable. Women's negotiation of risk points to their understanding of risk as gendered (Chan and Rigakos 2002). Women know the risks they face and adapt their behaviour and lifestyles to minimise, negotiate and cope with these day-to-day living conditions. So, at one level women 'do safety for themselves', they routinely negotiate their own safety in their daily social life (Stanko 1990a and b). This can mean that women often stay in violent relationships whilst other young women take an active role in either disrupting or stabilising the feeling of safety and order within communities (Pearce and Stanko 2000).

Gender Sensitivity: Silencing Agents

Jordan (2012) has drawn attention to six 'silencing agents which prevent reporting, cloud the visibility of rape and prevent cases progressing through to successful conviction. The first silencing agent is the self and the victim's personal difficulty in acknowledging what has happened. A second silencing agent is the police. Victims do not speak out as they are fearful about how the police will respond. They fear disbelief and a lack of understanding and such fears remain founded with confidence in the police easily dented. On a positive note, Hester (2013) reports that the police now have a 'belief in victim' approach rather than a 'focus on the victim' approach where the emphasis is on the victim's credibility as a witness. The courts can also be

silencing agents. Here there are concerns that the jury are denied full information about the reality of rape and allow for cross-examinations that test the credibility of witnesses in a manner that causes secondary victimisation, a practice that does not seem to have changes significantly since the 1950s (Zydervelt, et al 2016). Formal and informal supports can be silencing agents also. Those who we choose to test out disclosure to may not have immediate belief in our victimhood. Family and friends may lack the vocabulary for expressing concern as there are few social conventions around appropriate reactions. Researchers and academics as well as the media all have a potentially silencing role to play.

Responses to Victimisation

In considering responses and reactions to victimisation we explore how feminist voices continue to critique and develop gendered theorising. We also return to the juxtapositions of ‘feminism and victimhood’, and, ‘feminism and offending’.

Women, Mothers and Blaming: Violence and Sexual Abuse in the Home

The gender patterning to sexual abuse in the home follows the pattern to domestic violence. This holds true for child sexual abuse too, notwithstanding that not all the perpetrators of sexual violence against children are male or that all victims of child sexual abuse are female, girls are especially vulnerable. A further caveat is that there are important distinctions between interfamilial and extra familial abuse, girls are especially vulnerable within families. However, there are gender relevant issues as regard the victimization of children, child protection and support for families affected by child sexual abuse. Some of these issues have been brought into the limelight in the wake of the Savile scandal where victims are now adults yet were youthful when abused. The intersections between age-gender are key to understanding vulnerabilities and responses to child sexual abuse.

Some evidence from feminist inspired critiques of child protection and safeguarding suggest non-abusing female adults - mothers - are framed as non-protecting. The way in which interventions are managed can have the effect of appearing to blame mothers for the abuse of her child.

> *The role of societal expectations of mothers and the countertransference of professionals who interact with these mothers, and often judge them, needs to be examined further..... The role of mother-blaming cannot be overstated in this matter.* (Plummer and Eastin 2007: 1068-9).

Mother blaming can have a number of deleterious effects. Mother's perceptions about their own ability to support their child, can be so guilt ridden that this can precipitate deterioration in physical and mental health. Mothers also apportion blame upon themselves. Feminist scholarship has argued that women are differently connected to the social world to men such that women's social existence is connected, dependent and interdependent (Nelson, 1996) and more orientated towards an ethic of care and responsibility towards others in relationships (Gilligan, 1982). Emotions, nurturing and caring are all component parts of family and home life, where dynamics and relationships are normally seen as warm and supportive, based on love, affection and intimacy. This accords with a feminised environment where women do emotional housework which includes dealing with people's feelings. Women's suffering, as wives, partners, (single) mothers, carers, sisters, and daughters is intricately connected to these emotions and feelings. As women, and as indirect, tertiary and secondary victims, we feel the pains, harms and victimisations of those close to us (Davies 2011b). Women's emotional labour involves responding to other's stresses and distresses in a selfless 'caring' way (Lupton, 1998). This suggests a gender bias in the nature of emotional work which impinges upon women's experiences of victimisation. In these ways, women appear to bear a disproportionate burden of harm, suffering and victimisation by taking on the woes of others. Women assume and accept self-culpability, question their own mothering abilities and punish themselves even when feeling inappropriately victimised by others. Blaming ourselves only adds to our own miseries (Davies, 2011a and b).

Even if professionals sensitively avoid 'mother blaming' or indeed demonizing working mothers' (Broadhurst *et al.* 2007; Farrall 2009), this does not mean that it does not take place during the interactive process of child protection and police investigations of child sexual abuse (see Davies 2011b). Traditional stereotypes and conceptualisations of violence and of 'family' undoubtedly operate. In child

protection and safeguarding it is especially hard to strike appropriate gender-sensitivity. Another effect of mother blaming, is to effectively shift the blame from, and taking the focus off, the perpetrator, a practice that is being redressed in the context of domestic violence. The context of child abuse thus produces a complex gender-bind.

Feminism, Victimhood and Offending: Denial of Violent and Abusive Women

Whilst there is a tendency to transfer blame to mothers as indirect perpetrators, there is also a denial of women's capacity to directly inflict violence. Feminist voices have been quiet on these difficult questions. The belief that women are generally law abiding, not real criminals and do not wilfully participate in violence feeds into the otherness of women as offenders (and of men as victims). Goodey (2005) has suggested the 'taboo' subject of female on male domestic violence has an empirical basis yet the real impact this has on men's lives remains under-researched. Daubney's (2016) recent article in *The Telegraph* entitled 'Why female violence against men is society's last great taboo', claims 'It's time for us to face up to an ugly truth: it's not just men who can be murderers and violent, abusive attackers of the opposite sex'. He quotes figures from 2014/15 when 19 men died at the hands of their partner or ex-partner, compared with 81 women, but points out that the number of women convicted of perpetrating domestic abuse has more than quadrupled in the past ten years, from 806 in 2004/05 to 4,866 in 2014/15. Whilst this evidences the violence of men *and women*, the latter aspect may also be illustrative of the increased harshness in the response to offending women who are seen as eminently punishable.

It is easy to understand in this context of this chapter how abusive women appears to be a subject too sensitive for feminists to tackle. Feminists have feared 'the potentially negative political and social costs for the feminist movement more generally' as well as the likelihood of a ''women blaming' backlash' (Burman et al 2003:74). Some have braved the question of women's agency in the context of women doing robbery and some types of violence, often in connection to drugs (Burman 2003, Chesney-Lind and Pasko, 2004; Miller, 1998, 2002). Commenting on mediated representations of women, Jewkes (2015) notes the widespread cultural ignorance of the fact that women have the potential for violence, and the psychic

denial of the notion that women can kill *as women*. It is clearly both a conceptual and empirical problem for feminists to recognise women's and girls' sexuality and agency without ignoring their structural inequality or young women and girls' domination by adults. As Whittier (2016:101) has noted this is a complicated and controversial task and dilemma which feminist scholars are not best served by ignoring.

On the one hand criminal women are doubly deviant, doubly vilified and doubly punished, on the other hand the same social stereotypes have enabled women as victimisers to remain largely invisible, shielded from being suspected and accused by criminal justice and child protection agencies of the most serious forms of victimisation. Women as victims however, are in a double bind. Whilst support may flow more readily for those conforming most closely to the ideal-type female victim, women both capitalise on this yet suffer from doing so. In terms of surviving victimisation, on the one hand it is important for women not to accept, collude and through surrendering to victimhood help reproduce gendered stereotypes and cultural expectations of femininity and prescriptive notions of the victim, on the other hand if women fail to toe the line of doing-gender through victimisation in traditional criminal justice settings, if we appear to resist and deny labels and victimhood we risk incurring harsher treatment and penalties, and in the case of victims, 'rough justice'. It is indeed a complicated feminist task to consider women seriously as doers of crime rather than as the 'Criminological Other' and to take on the subject of women as perpetrators of child sexual abuse and infanticide.

Paradigm Shifts: Theory, policy and practice

Feminist politics have illustrated how the 'man of laws masculinity' pervades theory, policy and practice. Whilst feminist influences have helped achieve certain 'landmarks' in respect of legislative provision, and have pioneered supportive policies for women victims, they continue to criticise and contest generic undifferentiated responses to criminal victimisation. However, cultural expectations of femininity and motherhood and recent developments in masculinities thinking have created a number of victimological conundrums and ambiguities. The rubric 'Honourable fathers vs monstrous mothers' (Jewkes 2015) tidily, if exaggeratedly, encapsulates some of these sensitivities. It seems that responses to victimisation are currently in the midst of

what we might call ‘paradigm shifts’ that have been in part prompted by feminist voices. Theory, policy and practice are moving in and out of kilter and this is producing some interesting developments which we will now explore.

Victimisation: the Police, the CPS and ‘attrition’

The role the police have played in responding to sexual crimes and victimisations is a recurring feature in feminist critiques. After the self, the police are the second ‘silencing agent’. Evidence that policing practice sometimes continues to subscribe to the myths about rape continues to emerge. In Hester’s research (2013) into adult rape cases and the criminal justice system in the North East of England three quarters of the cases dropped out at the police stage with many of these involving very vulnerable victims such as those with extensive mental health problems. We know that the process of attrition or ‘drop out’ in rape cases is stubbornly problematic (Daly and Bouhours 2010). Reports of rape can drop out at any one of three stages: (i) police involvement and investigation, (ii) Crown Prosecution Service (CPS) involvement (iii) at court. Under reporting and attrition of cases at various stages of the criminal justice process, combine to reduce the visibility of the crime of rape. The police, CPS and courts are all implicated in rendering the crime of rape under prosecuted and victims being denied justice. Here however, we focus on the CPS, which as noted above, has a poor and falling conviction rate for rape.

The CPS has seen a dramatic increase in the numbers of cases concerning violence against women and girls including rape, domestic violence and sexual abuse. In 2015 more cases were referred from the police, charged, prosecuted and convicted than ever before. This occurred at a time when an increasing number of complex and non-recent cases are being brought through the criminal justice system (HM 2015). However, though convictions for domestic violence, rape, sexual offences and child abuse reached the highest volume ever, the conviction rate for domestic violence remained relatively steady at 73.9%. Thus despite a rise in conviction volumes for rape, the conviction rate fell to 56.9%. Prosecution and conviction rates for child sexual abuse are low and sentences relatively short (Whittier 2016). The fall in conviction proportions for rape overall is thus concerning to the CPS.

The ‘belief in victim’ approach discussed earlier and evident in the police response to victims can be contrasted with the CPS approach where the emphasis has tended to focus on the victim’s credibility as a witness. To illustrate we can explore the problem of attrition in the context of prosecuting child sexual abuse and exploitation. Keir Starmer QC, Director of Public Prosecutions before he stepped down in October 2013, has been a major critic of the CPS. His assessment, following an analysis of cases during 2009 -2013, suggests that the yardsticks traditionally used by prosecutors for evaluating the credibility and reliability of victims generally, are used without adaptation in cases of child sexual exploitation potentially leaving vulnerable victims unprotected by the law (Starmer 2013). He argues that CPS sifting in relation to cases of child sexual assault is over zealous. Doubts about child witnesses (Cheit 2014) and the overly cautious approach seen in the use of higher evidential test threshold for vulnerable victim-witnesses has decreased prosecutions.

The ‘belief in victim’ approach represents better practice whereas the ‘focus on victim(-witness)’ approach is part of the problem of the stubbornly problematic attrition rate for rape cases:

> The CPS may be characterised as having an approach with ‘focus on victims’, where what matters and appears central to decisions about taking a case forward is: the credibility of the victim (consistency of account and with other witnesses, i.e. victim believable); corroboration (through penetration); and that it is in the public interest that the perpetrator is convicted (behaviour is part of a pattern). (Hester 2013).

Although the police have increasingly adopted a victim-focussed approach and the CPS now claim they adopt a merits-based approach rather than dwelling exclusively on the credibility of the victim, there is little evidence of vulnerable victims proceeding confidently and with satisfactory outcomes, through the criminal justice system (Davies 2015). Feminist commentary suggests it appears that greater credence is afforded to men’s explanations for rape than are those of women complainants (Brown and Walklate 2012:3). The example above also confirms ‘age as a central intersectional dimension for understanding sexual violence’ (Whittier: 2016:99).

Feminism, Masculinity and Violence Reduction

Whilst feminism is a broad church, there is at least a long established common understanding of this perspective. There is no such similar tradition as regards the asking of the 'man question'. Feminist voices first prompted a shift in considering men as a problem (Kelly and Radford 1987) to problematic masculinities in their endeavours to explain men's oppressive power over women and in particular heterosexual men's sexual, domestic and economic violence against women (Groombridge 2001). Connell's (1987) work on a tripartite structure of gender relations is a useful springboard although Messerschmidt (1993, 1997) is credited with applying masculinities theorising to the doing of crime by men and thereby importing the concept into criminology.

According to Connell (1987), the ways in which men express their masculinity in contemporary society is connected to the powerful position held by the presumption of normative heterosexuality. This form of manhood constrains all men's social existence. Hegemonic masculinity is a culturally idealised and ascendant form of masculinity which promotes particular expressions of masculinity (Connell 1995) providing for men to 'do gender' (West and Zimmerman 1987). Under Messerschmidt's (1993) formulation crime is a form of structured/situated action/accomplishment. If crime is used as a resource for 'doing-gender' (West and Zimmerman 1987), crime by men is a means of accomplishing masculinity (Messerschmidt 1997, 1995). In respect of young men, crime offers 'lads' and men a 'daring opposition masculinity' (Messerschmidt 1994:97). Men and boys achieve masculinity through the doing of violent crimes and property crime. Lees convincingly explains why sexual assaults on men are predominantly perpetrated by men who regard themselves as heterosexual in sexual orientation via hegemonic masculinities explication. The prevalence of rape in all-male institutions such as prisons and the army is similarly explained, 'By sexually humiliating men who do not appear to live up to the dominant form of masculinity, the perpetrator's own masculinity is enhanced' (Lees 1997: 13).

Masculinities theorising has evolved in to a key explanatory tool for understanding (violent) crime by men and such theorising now draws on a range of concepts

including essentialism, and male attributes, credentials and norms such as physical prowess, aggression, toughness and violence. Masculinism, manliness, manhood, androcracy, fratriarchy, the 'hyper masculine' and machismo, male solidarity, culture, identity, ritual, symbolism, self-image, reputation and hierarchies of domination and status are all drawn upon to variously explain the gender order. A subtle shift in theorising from an over-riding concern with men as offenders, to a focus on offensive masculinities is evident. From a victimological perspective however, how victimisation might be understood as a product of masculinity is an under developed area. Jefferson (1996, 1998) has explored a psychoanalytic understanding of the complex and changing dynamics of victimhood and offending as illustrated in the career of the ex-boxer Mike Tyson. Tyson as an offender is constructed and reconstructed as a victim and masculinity theory is the tool that is used to achieve this.

Masculinities thinking is only beginning to help make sense of the victimisation of men. Male rape myths are less well voiced than those pertaining to the rape of women but they nevertheless do exist. Commonly held beliefs about the promiscuity of gay men is one such myth that contributes to the under reporting of both heterosexual and gay men from reporting their experiences to the police (Gregory and Lees 1999). The feminist principled organisation Rape Crisis exposes one prevailing myth:

Rape Crisis: Rape Myths – Myth vs Reality

Myth: Men don't get raped and women don't commit sexual offences.

Fact: The majority of sexual assaults and rapes are committed by men against women and children. A small number of women do perpetrate sexual violence. Those sexually assaulted or abused by a woman may be fearful of not being believed or that their experiences won't be considered 'as bad' as being raped by a man.

There are deficiencies in our knowledge about the nature and extent of rape in all-male institutions and the documenting of male sexual assault is thought to be less than robust due to hegemonic masculinities prejudices, constraining stigma about male rape and men's fears that they will be considered to be homosexual. There are

limitations on resources for conducting research and, where research has attempted to consider male rape, findings suggest that macho concealment of fear and socially desirable responses in surveys may mean that men are unwilling to report it (Sutton and Farrell 2005) and, to disclose vulnerability' (Stanko and Hobdell 1993:400).

Thus developments in masculinities theorising are beginning to help us to understand how and why men are victims of violence, often at the hands of other men. How they are victimised by women but may be reluctant to disclose this is also emerging. However, given the overwhelming patterns and gendered nature of interpersonal violence in the home and of sexual violence and rape in particular, it is important to return to feminism, masculinities and violence reduction.

In the context of domestic violence, perpetrator programmes remain an important element in the strategy to reduce serial offenders. Unlike the earlier anger management versions current mandatory and voluntary programmes are part of a holistic approach with wrap around support for both perpetrators and victims. The focus on perpetrators encourages men to understand their coercive and controlling behaviour and the effect and impact this has on women and children and encourages perpetrators to take responsibility for their violent behaviour. From a hate crime perspective McPhail (3003) suggests a shift of focus onto motives of hate, power and control is important. This changes the questions often asked of the victim 'Why don't you leave?' and 'What were you wearing?' to questions being asked of the perpetrator 'Why did you target women?' and 'What part does your misogyny play in this violence?'' (McPhail 2003:273). Reframing the approach to violence reduction in this way reduces the 'focus on victim' that can result in victim-blaming, and more positively foregrounds a 'belief in victim' whereby the victim is supported through to survivor status and, at the same time responsibility for changing violent behaviour is placed firmly on the perpetrator.

Conclusion: Feminism, Gender and Victimisation

This chapter has drawn on feminist voices to explore how gender relates to the study of victims of crime contemporarily. It has illustrated that crime and the experience of victimisation occurs on a simple to complex gendered terrain. Additionally, it has

illustrated how gender matters in the criminalisation and justice seeking process and in the recovery from crime and victimisation. In considering all of the above attention has inevitably focussed upon the 'woman question' and how in turn this has had implications for our understanding of the 'man question'. By focussing on the gender pattern bias to sexual crimes and victimisations, the discussion has insisted that gender matters first (Davies 2014). In respect of rape, gender might sometimes (i.e. in the context of child sexual abuse) matter on a par with age. Rape myths and silencing agents have been explored and the masculinist nature of the gender order has been illustrated. Feminist approaches have variously been called upon to illustrate insensitivities that emerge in criminal justice processing of rape victims and in child sexual abuse cases. They have also illustrated gender insensitivities in child safeguarding and protection. Insidious practices have been exposed including mother blaming and punitivity in the name of gender-equality. Feminist theorising may yet consider when intersectionalities of gender-age variously combine as intersecting, interlocking and contingent (Daly 1993, 1997) in the quest for sensitivity most notably in the context of child sexual abuse.

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