

Investigating intimate violence: A problem of law

In 1995, domestic violence surfaced as a problem in Singapore. The awareness of the issue came in the form of the Family Violence Bill introduced to the Singapore Parliament that year. Fundamentally, the bill would give the police greater power to arrest an abuser without a warrant or court order, making it a *seizable offence* provided for by the Singapore Penal and Criminal Procedure Code. The state's response was clear – it feared that the bill would introduce litigation at an early stage, leading to the disintegration of the family.

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DESPITE THIS FAILURE to have the bill passed as law, the Singapore Police Force's willingness to improve the policing of domestic violence can be traced to the implementation of the Domestic Violence Project at a police division later the same year. This project, organized around an elaborate network comprising the police and social service agencies, was essentially an administrative set-up designed to assist victims of domestic violence in making a formal complaint.

Under the scheme, the police referred the victim in non-seizable (non-arrestable) cases to a Family Service Centre (FSC) for counselling. The counsellor at the FSC then worked closely with the Neighbourhood Police Officer on one of the two options available: to prosecute the offender (a criminal perspective) or to monitor the victim's progress (a social work perspective). A significant development in the implementation of the Domestic Violence Project was the extension of the socio-legal control mechanisms that dealt with the problem of marital violence and the empowerment of FSCs to act as 'official gatekeepers' of domestic cases of assault that entered the criminal justice system.

A notable legislative development arising from this police initiative was the Amendments to the Women's Charter (Chapter 353) that came into effect in May 1997. The application of a protection order was extended to other family members including former spouse, father, mother, father-in-law, mother-in-law, siblings, relatives and incapacitated persons besides the 'traditional' categories of spouse and children. The definition of 'violence' was also broadened to include intimidation, continual harassment or restraining someone against his/her will. Significantly, a breach of the conditions of any of the Protection Orders – Personal Protection Order, Personal Protection Order with Exclusion Order and Expedited Order – was made a seizable (arrestable) offence (except for failure to attend compulsory counselling sessions which remains non-seizable).

To rank-and-file police officers, however, these changes implied marginal *operational* differences to the way most police officers responded to and investigated domestic violence. The disjunction between 'street-level' policing and 'managerial' policing raised some serious questions about the effectiveness of police or legislative reforms. Not only did it question the policies of various land divisions, the quality of training, and the effectiveness of police supervision and accountability systems, but it also cast doubt on the entire reform process as it related to making the police more responsive to marital violence.

To better conceptualize the issue of rank-and-file *decisions to avoid arrest*, feminist criminologists, in particular, have developed a perspective where they specifically seek to examine and delineate aspects of rank-and-file police culture that seem to determine handling of domestic situations. Studies using this perspective essentially presuppose that a negative police response, conceptualized as one equivalent to perfunctory or 'non-arrest' intervention, is reflective of the normative values achieved during the process of social and organizational socialization of the police. A notable feature of this rank-and-file police culture, which most studies have highlighted, is the perception that attending to domestic situations is not an 'appropriate' police duty. Although I subscribe to the basic premise of the cultural perspective that 'no-arrest' outcomes are reflections of normative values developed and sustained by rank-and-file police culture, I argue that an all-powerful and deterministic conception of police subculture *alone* fails to adequately explain and account for rank-and-file officers' *decisions of arrest*.

Using Pierre Bourdieu's relational concepts of "habitus" and "field", I argue for a need to take into account *both* the cultural dispositions of police subculture and structural conditions of policing to understand police response to domestic violence.¹ By structural conditions of policing, I am referring to the social, political and legal contexts in which the policing of domestic violence takes place in Singapore.

Conceptualizing police response to domestic violence

Theoretically, although my observations of police decisions of *arrest* and *non-arrest* were largely congruent with the findings of situational theorists that combinations of variables, data gathered through qualitative methodologies of observation and case-study was instrumental in developing a perspective that focused on the *meanings* patrolmen attached to these variables. As much as these meanings were constructed and sustained by the police occupational culture, they were equally acquiescent to 'triggering' factors encountered within the political, social and legal context in which they exist, thus explaining the (seemingly) equivocal police response to domestic violence situations.

Examining the context in which police intervention occurred in domestic violence situations – and in a way that generated so few arrests – required an analysis as well as an explanation from the level of *interactions* (everyday policing encounters) to that of *structures* (context in which everyday policing was to be situated). Although police officers exhibited reservations at having to deal with domestic violence cases and offered resistance to incorporating it into the ranks of 'real crimes', the low arrest rate arising from domestic violence cases could not *solely* be attributed to the organized (cultural) resistance and circumvention strategies displayed by officers on the ground. That the majority of domestic violence cases did not result in arrest was a direct consequence of officers *merely* satisfying the statutory requirements of the law – most cases did indeed *legally* fall into the non-seizable category where the police cannot initiate arrest without a warrant.

The central (legal) categories for the operational policing of family violence are drawn from provisions available in the generic category of "hurt" under Chapter 224 of the Singapore Penal Code. Typically, the definition of a 'domestic violence incident' is based upon the classification of the incident as "voluntarily causing hurt" (VCH) under Section 323 (where the police cannot arrest without a warrant) or "voluntarily causing grievous hurt" (VCGH) under Section 325 (where the police can arrest without a warrant). My data reveals that the bulk of all family violence cases did not result in arrest because they could not justify the very 'exclusionary' definition of "voluntarily causing grievous hurt". For a case of violence to be defined as 'grievous hurt', the victim has to satisfy one of the following conditions: (a) emasculation; (b) permanent privation of the sight of either eye; (c) permanent privation of the hearing of either ear; (d) privation of any member or joint; (e) destruction or permanent impairing of the powers of any member or joint; (f) permanent disfiguration of the head or face; (g) fracture or dislocation of a bone; (h) any hurt which endangers life, or which causes the sufferer to be, during the space of 20 days, in severe bodily pain, or unable to follow his ordinary pursuits.²

A consequence of this very 'exclusionary' classification, lop-sided if you like, is that most cases of domestic violence are diverted from the criminalization process. This probably would explain why the 'referral' and 'advice' roles of the police have to be incorporated, institutionalized and legitimated within the operational framework.

Victims' experiences of domestic violence policing

There is a predominance of the victim-choice model in conceptualizing the majority of victims' relationships with the police where the victim must display an initiative throughout the criminal justice process to prosecute the abuser in court. The institutionalization of a victim-choice approach by the Singapore police, however, could be challenged on several different grounds. First, it allowed individual victims to decide what may be best for them without considering the impact of non-prosecution on perpetrators and victims of marital violence in general. Second, the idea that the police should act on women's choices also presupposed that women could achieve the 'right' decision without accurate information,



support and advice. It assumes that the social and structural context that victims of violence inhabit is conducive to 'free choice' and that they are able to express their wishes uncoerced – both structurally and interpersonally. Third, the victim-choice approach also exposes women to the manipulation of others – perpetrators, police officers and family members – who might have an interest in the criminal justice process not being invoked.

My own perspective on this is that this effect comes about because of the way officers, especially patrolmen, marshal the institutionalized categories at their disposal. Of particular importance here, are the categories set up as polarities: 'victim' and 'suspect'; 'innocent' and 'guilty'; 'no-crime' and 'crime'. These terms are, perhaps, familiar to most people, but they perform a special function in the semantic network of police work. Within the confines of operational response and subsequent processing of a domestic violence incident, there must be both a 'suspect' and 'victim'. However, if the person with injuries in a domestic incident does not wish to step into the labelled box of a 'victim', it is difficult for the police to process the incident as a 'criminal' one. To the officers on the ground, such cases amounted to "victim failing to substantiate an allegation", an analytical as well as an operational category that functions as a hinge between the polarities of 'victim' and 'suspect', 'guilty' and 'innocent', 'no-crime' and 'crime', before the case is admitted into or evicted from the police system. Thus, the policing of domestic violence becomes essentially a problematic category because the protracted and complex situation in which the violence takes place between known individuals makes it difficult to readily identify an offender and victim from the perspective of the police and as warranted by formal procedures.

Contrasting the 'victim-choice' model is the 'pro-arrest' policy, which occupies a position at the other extreme of the continuum of police response. A major irony in the case of domestic violence as far as the Singaporean experience is

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concerned is that a victim tends to lose her choice the moment she exercises it (by seeking a Protection Order for instance) as the 'system' assumes control of the criminal justice process henceforth with little regard for the victim's needs.

State discourse on the limits of police intervention

As a whole, the discourse surrounding police intervention in cases of domestic violence in Singapore occurs within a specific political regime and within the boundaries defined by the authoritarian and 'hetero-patriarchal' state. In a paternalistic discourse, protection takes precedence over empowerment or equal treatment. An analysis of the Family Violence Bill provides an excellent opportunity to appreciate the state's perspective on police intervention in domestic violence. The bill was rejected after 30 days on the grounds that it would introduce litigation at an early stage, which could be detrimental to the family.

Given the Singapore government's desire to promote the family as the "building block of society" and its constant warnings against "decadent western values" – thought to pose a threat to the wellbeing of the family – a Family Violence Bill that did not accept the state's defined role for the family was deemed problematic. This was particularly evident in light of the state's intent to ensure the preservation of the family unit whose role is clearly prescribed in the White Paper: "the family is seen as the 'fundamental building block' out of which larger social structures can be stably constructed".³

Thus, the strategy adopted by proponents of the bill was to avoid making it solely a women's issue, but rather one in which whoever takes to violence should be stopped.⁴ The emphasis on women's rights and needs makes the Singapore state uncomfortable because it does not deny either being a patriarchal state or supporting the patriarchal family. For women's needs to be addressed, they have to be made politically relevant by locating those needs within the context of the family.

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Feminists in Singapore, and proponents of the bill in particular, were compelled in a sense to accept and participate within the dominant political discourse that maps out the state's locations for 'women' and women's role in the 'family'. They were also confined by the state's definition of legitimate actors who may introduce such an issue and legitimate strategies that emphasize negotiation and consensus-finding.

The strategy of using the law as a tool to legislate protection for victims of violence was interpreted as a more Western and confrontational way of solving issues instead of "a more Asian and less legalistic way of sorting out family problems".⁵ There is again a creation of categories: one Western and litigious and detrimental to the family and the other Asian and consensus-seeking, displaying a concern for the preservation of the family.

Conclusion

Given the desire of the Singapore State to promote the family as a 'building block of society', it should, therefore, come as no surprise that 'radical' reforms such as mandatory and presumptive arrest policies do not even enter the debate on local reforms. Reformers who wish to place family violence on the political agenda have to ensure that the issues discussed and measures suggested do not contradict the state's view on the role of the family in Singapore society. Consequently, this leads reformers to abandon their philosophical views on *empowering* women as a strategy against male violence and choose *protection* from the state instead.

Choosing protection, however, subjects women to further abuse. Leaving protection to the state – both as motivator and dispenser of that protection – is equally problematic since it may, through the organization of the police, set boundaries to what constitutes violence. In responding to women who report violence, the police are involved in a (social) process of defining which attacks are to be criminalized and made arrestable and which are to be condoned and 'no-crimes'. The categorization

of violence into seizable and non-seizable offences, for example, which informs patrolmen to make an immediate arrest or not, is a classic illustration of how the police make a distinction between violence they deem justifiable and violence they deem as requiring police attention.

A consequence of this process of defining and categorizing violence is the separation of victims into those 'deserving' and 'undeserving' of police attention. Thus, the police do not offer unconditional protection to *all* victims against *all* forms of violence, but rather any protection they offer is conditional upon victims meeting police notions of 'deservedness' and the circumstances of the attack meeting their definition of 'crime'. It is through the policing of violence, to achieve a degree of *general order*, that the social divisions of class, race, gender and sexuality – *stratified order* – are reproduced in Singapore society.

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Notes

- 1 Bourdieu, P. 1977. *Outline of a Theory of Practice*, Cambridge: Cambridge University Press; Bourdieu, P. 1990. *In Other Words: Essay Towards a Reflexive Sociology*, Cambridge: Polity Press;
- 2 Narayanan, G. 2008. *Policing Marital Violence in Singapore*, Leiden: Brill.
- 3 *Singapore Penal Code* 1985, p.102
- 4 *White Paper on Shared Values* 1991, Government of Singapore (p.3)
- 5 'Abuse issue is not a male-female battle', *The Straits Times*, 28 Sept. 1995
- 6 *The Straits Times*, 4 Nov. 1995