Michelle Madden Dempsey’s *Prosecuting Domestic Violence: A Philosophical Analysis* (2009) is an important book for many reasons. Amongst these are the prevalence of domestic violence and the extraordinary, largely unaccountable discretionary powers wielded by prosecutors in the United States. Against this background, Dempsey asks in particular what prosecutors should do when the victims of domestic violence withdraw their support from the proposed prosecution. In *Prosecuting Domestic Violence*, Dempsey provides a general account of prosecutorial practical reasoning that can be applied to answer this question. Given that she argues that “particularly aggressive prosecution” is in at least some cases justified, the later chapters of the book address issues surrounding the victims of domestic violence: their rights and duties when it comes to prosecution and the measures that might be directed against victims who are unwilling to co-operate.

What Dempsey calls her “central analytic tool” in making the argument is the distinction between domestic violence in its “strong” and “weak” senses. The former consists in domestic violence that “has a tendency to sustain or perpetuate patriarchy”; the latter consists only of violence that occurs in a domestic context (that is, it lacks the extra dimension in relation to patriarchy). Other things equal, domestic violence prosecutors have reasons to target for aggressive prosecution domestic violence in its strong sense. These reasons relate to prosecutors’ capacities to “realize values associated with the expressive denunciation of patriarchy” and where such denunciation is habituated to “realize values associated with reconstituting the character of their state and, perhaps their community as less patriarchal”. That is, Dempsey urges prosecutors to be feminists given the goals of ending domestic violence and rendering societies less patriarchal.

Such a short summary cannot do justice to the richness of Dempsey’s analysis, including her original and nuanced accounts of both “domestic violence” and “patriarchy”. That richness is reflected in Sharon Cowan’s and Kit Kinports’ papers that – together with a reply by Dempsey – make up this symposium. Cowan and Kinports touch on and engage more deeply with all of the key elements of the argument generating a discussion that is challenging, constructive, and most of all illuminating. Readers will find here independently interesting discussions of patriarchy and its meanings, of the analytical distinction between violence and abuse, and of much else besides.

Amongst these discussions, Cowan and Kinports pick up on three of the central elements of Dempsey’s work: the usefulness of the division between strong and weak domestic violence both as an analytic distinction and as a practical guide for prosecutors; the rationale for aggressive prosecution in realizing the denunciation, and reduction, of patriarchy; and the normative issues that arise around dealing with uncooperative victims.

With respect to the first of these (the distinction between strong and weak domestic violence), Cowan presses on the account of patriarchy itself and so on its role in understanding domestic violence (she also questions the distinction between domestic violence and domestic abuse and Dempsey’s prioritizing of the former). From a more practical perspective, Kinports asks whether all instances of male violence perpetrated against their partners sustain patriarchy and poses the challenge that, if not, there is a “formidable task” confronted by even the most committed prosecutor in the “line-drawing exercise” of distinguishing strong and weak domestic violence.

With respect to the second element (the rationale for prosecution lying in the values that can be realized by prosecutors as community representatives), Kinports carefully disaggregates the roles of prosecutors as representatives of the State and as representatives of the community and argues that whilst the former is plausible the latter is less so particularly – as in the USA – against a background of tensions between the criminal justice system and “populations that are marginalized due to their race, class, or immigration status”.

Finally, with respect to the third element (the normative and practical issues that arise for prosecutors when confronted by uncooperative victims) both Cowan and Kinports note the tremendous difficulties faced by prosecutors and theorists alike (difficulties recognized by Dempsey in her book). Enforcing a duty to testify, for example, seems somewhat paradoxical – or at least “self-defeating” – potentially “presumptuous” in assuming that the victim does not know what is in her best interests, and may in practice put the victim in even greater danger.

In her response, Dempsey engages with all of these points together with other comments, criticisms, and suggestions. The result not only clarifies some of the original arguments but drives forward discussions of patriarchy, of abuse, and of the nature and role of prosecutorial powers in liberal democracies. Taken together, the symposium continues an important conversation in the still relatively unstudied area of the normative analysis of prosecutorial practice and in addition advances independent debates about patriarchy and violence that will be of interest to a wider audience.

**References**

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