

Contents

Table of Cases and Statutes

xvii

PART I SOME PRELIMINARY CONSIDERATIONS

1. Introduction	3
A. Why Domestic-violence Prosecution?	3
B. Some Assumptions	8
C. On Methodology	10
D. A Motivating Question	14
E. Four Types of Domestic-violence Case	17
F. Victimless Prosecution: Framing the Debate	22
G. Conclusion	23
2. Wrong Turns on the Way to an Answer	24
A. Legal Formalism: How Far Does Law Get Us?	24
B. Does it Help to Think in Terms of Public/Private?	31
C. Conclusion	41

PART II A FRESH START

3. Prosecutors: What They Are and What They Do	45
A. What Prosecutors Are	46
B. What Prosecutors Do	52
C. Conclusion	57
4. Prosecutorial Action and Value	59
A. Prosecution and Consequential Value	60
B. Prosecution and Intrinsic Value	64
C. Conclusion	80
5. Reasons for Prosecutors	81
A. The Good and the Right	83
B. The Normal Correspondence Thesis	86

C. Wrongs and Reasons	91
D. Reasons to Do It Yourself and Reasons to Help Someone Else Do It	95
E. The Impact of Justified Authoritative Directives and Principles on Prosecutorial Reasons	98
F. Conclusion	99
 PART III CONSIDERING DOMESTIC VIOLENCE	
6. What Counts as Domestic Violence?	103
A. Setting the Stage	103
B. Three Elements of Domestic Violence	105
C. An Explanatory Model of Domestic Violence	113
D. Four Accounts of Domestic Violence	117
E. Conclusion	127
7. Patriarchy	129
A. On Being Feminist	129
B. Three Senses of Patriarchy	135
C. Patriarchal Character and Social Forms	137
D. Patriarchy as a Wrong	139
E. Patriarchy as a Structural Inequality	147
F. Conclusion	153
8. Domestic-violence Prosecution: Justification and Effectiveness	155
A. Justifying Domestic-violence Prosecutorial Actions	156
B. Effective Domestic-violence Prosecutorial Actions	167
C. Conclusion	184
9. Victims and Prosecutions	185
A. Four Kinds of Reason Generated by Wrongdoing	185
B. Do Victims Have a Right to Participate in Prosecutions?	193
C. Do Victims Have a Duty to Participate in Prosecutions?	197
D. Against Enforcement	204
E. Conclusion	209
10. Conclusion	211
A. Why Prosecution?	211
B. Criminal Law: A Blunt Instrument?	215

Contents

xv

<i>C. Ceteris Paribus?</i>	218
<i>D. Conclusion</i>	221

<i>Bibliography</i>	223
<i>Index</i>	239