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**Judicial Experiences: A discourse analysis of Family
Court Judges' talk about domestic violence**

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Juliet Louise Thompson
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ABSTRACT

Domestic violence toward women and children is a serious and prevalent issue in New Zealand society. It has both serious physical and psychological effects on all victims, including children who only witness the violence. This research focuses on Family Court Judges' responses to domestic violence and asks how these Judges make sense of domestic violence and work within the Domestic Violence Act 1995 to provide effective protection for victims. The framework of this research is feminist post-structuralism. This framework argues that there is no one singular objective truth but that all objects are dynamic and are constructed by talk. The meaning of objects and the position of subjects depend on discourses that are culturally and historically specific rather than individual attitudes or independent facts. To examine the response of the Family Court Judges two Judges were interviewed and two published papers taken from speeches made by Judges were chosen for analysis. The results of the discursive analysis indicate that within the legal discourse there is a move away from valuing the role of women's groups and feminist theory in regard to the construction of domestic violence. The current construction of domestic violence within the Judges' talk tended to value the role of father's rights groups and the patriarchal familial construction of the father/child relationship. Domestic violence is being constructed more in terms of provocation rather than in terms of power and control, which is the feminist construction of domestic violence that current legislation is based upon. These differences between the legal discourse and feminist discourse constructions of domestic violence raise important questions as to how the aims of the Domestic Violence Act are being constructed by the Judges and whether these constructions are impacting on the effective protection of domestic violence victims.

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