

# Feminist Prosecutors and Patriarchal States

## Kit Kinports

© Springer Science+Business Media Dordrecht 2012

**Abstract** In *Prosecuting Domestic Violence: A Philosophical Analysis*, Michelle Madden Dempsey focuses on the dilemma prosecutors face when domestic violence victims are unwilling to cooperate in the criminal prosecution of their abusive partners. Starting from the premise that the ultimate goal should be putting an end to domestic violence, Dempsey urges prosecutors to act as feminists in deciding how to proceed in such cases. Doing so, Dempsey argues, will tend to make the character of the prosecutor's community and state less patriarchal and thus help stamp out domestic violence. This article analyzes two issues arising from Dempsey's work: first, whether prosecutors can justifiably be viewed as representatives of their states and communities; and, second, how prosecutors committed to using their discretion to battle both domestic violence and patriarchy would go about determining in a particular case whether to pursue criminal charges against the wishes of a victim.

**Keywords** Domestic violence · Prosecutors · Feminism

## Introduction

Professor Michelle Madden Dempsey's path-breaking book, *Prosecuting Domestic Violence: A Philosophical Analysis*, addresses the chronic difficulties prosecutors confront when victims of domestic violence are reluctant to pursue criminal charges against their abusers. By focusing in particular on prosecutorial decision making, the book is intended to bridge the "academic divide" that has left the role of the prosecutor largely unexplored (Dempsey 2009: 8).<sup>1</sup> Dempsey approaches this gap by using principles of "applied moral philosophy," with the ambitious goal of "connect[ing] theory with reality" (x). Her background and experience as a "philosophically curious feminist-domestic-violence-

---

<sup>1</sup> References to this book that follow are given in parentheses.

K. Kinports (✉)

Dickinson School of Law, Penn State University, University Park, PA, USA  
e-mail: kxk47@psu.edu