

Introduction cases.
this is shown by the
fact



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Introduction

The domestic violence cases that have been experienced in the past have led to the belief that men are always guilty in domestic violence cases. This is a stereotype that has made a score of men to be innocently victimized for domestic violence since it is always presumed that a man is guilty until proven otherwise in these cases. This is very wrong since depending on the nature of the case, a woman could be guilty and thus in such cases, women use the stereotypical believes surrounding domestic violence with men to ensure that men are accused falsely. In other cases, mere accusations lead to legal action even in cases that lack evidence of domestic violence or abuse. Despite efforts by a number of activists to introduce laws that will remove the loopholes in assault and domestic violence cases, the unfair stereotype of “ guilty until proven otherwise” (Scarff 1) still exists and men continue to suffer for crimes they have not committed.

Example of a case

An example of a case related to this topic is the case of a man tried in a Cincinnati court for assaulting his wife.

The facts of the case were known to the court and it was the woman who was the aggressor but the man was still required to post a bond worth \$ 10,000 (Pierce 33). The woman had broken three of her husband's ribs after attacking him violently. As the husband fell on the ground due to the instability he got after his ribs were broken, his head accidentally struck her head. Some spectator called the police and as they arrived, the woman praised herself for the bravery she had shown striking her husband to the ground. She even bragged about the same to the police. Amazingly, with the woman being the aggressor, both were arrested and as the woman got released on recognizance, the man was required by the judge to pay a \$ 10,000 bond (Pierce 33).

This case can be seen as an indication that men are always presumed to be guilty in domestic violence cases. This is shown by the fact that, although the man was the one injured and the woman was clearly the aggressor from the way she bragged about beating him, both were arrested. The presumption of the guilt of a man in domestic violence cases is further proven by the decision of the court in which the man is required to post a bond despite the fact that the woman attacked him, injured him and made him to fall hitting her accidentally on her head with his head. The court clearly showed that stereotypical ideas against men in domestic violence cases exist and also showed that a man can hardly get justice in domestic violence cases involving a woman.

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Sentencing procedures

Another evidence of the preferential treatment that is accorded to women in domestic violence cases is evident in the sentencing procedures of the court. When time comes for the sentencing of domestic violence cases, women always get fairer sentences. It is common knowledge that women always get a half the sentence that is given to a man for exactly the same crime.

This is in cases where the court has identified a lot of liability on the part of the woman such that the court has to give her some jail time. In other words, most of these cases are characterized by the freeing of the woman and jailing of the man. This can be seen as an outright abuse of the law and there is need for activists of the often-overlooked rights of men to work towards introducing laws protecting innocent men in domestic violence cases and convicting guilty women in such cases (Angelucci 1). There is also a need to address the common belief that a man is always guilty of being violent until he has been proven to be innocent.

Guilty without evidence

One of the reasons why many children are crying at home with their fathers innocently behind bars is because the authorities have seemingly associated violence with men. With this mentality therefore, in a domestic violence case involving a man and woman, the man is always taken to be guilty until the courts have proved his innocence (William 1). This is even extended to rape cases in which if a woman reports that she has been sexually assaulted by a man, the man is always taken to be guilty until his innocence is proved. This can be seen as an absolute ignorance of reasoning since in any particular domestic violence case involving a man and a woman, either of the parties

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can be guilty and there is a great need to be listening to both sides of the story before declaring the man to be guilty. An example of a case evidencing the above discussion is the Duke Lacrosse case in which three male students were subjected to a number of abuses in a rape case despite the fact that the case did not have evidence of assault by the three students. In the year 2007, the students filed a case against the prosecutor who was handling their case for the abuses that were perpetrated against them (Pierce 31).

Both sides of the story

It is so sad that in most domestic violence cases where a woman is hurt, the man is automatically guilty.

There is a great need of the judiciary to introduce a means of identifying the causes of such incidences and making fair decisions based on the facts of the case. Worse still, like in the aforementioned case, some men are the ones who are attacked and decisions are made favoring women. In the stated case, the woman was clearly the aggressor and the man was critically injured from her attack yet the courts made a decision favoring the woman.

This shows the fact that the guilt of the man in a domestic violence case need not be proven if the woman is hurt in any way (McCarthy 1). From these facts, there is a great need for the courts to abandon the existent stereotypical beliefs and handle each domestic violence case with fairness based on the facts of the case. It may seem impractical in the above discussed case that the woman attacked and overpowered the man but research shows that members of both sexes have, in the past, initiated domestic violence. Research also shows that both sexes have, arguably,

equal controlling power. Angelucci reports a study conducted in the University of Florida that showed that females are more likely to threaten their partners and perpetrate domestic violence than men (Angelucci 1). In Washington, another study was also conducted giving the same results.

That is, women perpetrate more domestic violence towards their spouses and partners than men. These facts revealed by studies are however contradicted by past court cases. This is because in most court cases involving domestic violence, the man is normally the one who is pronounced guilty (Smith 1). To give a first-hand example of how the authorities never bother to listen to both sides of the story in domestic violence cases, see the facts of a case for which I was charged with domestic violence. I have dated this girl for an approximate two months and I have never touched her let alone hitting her. One day as we were arguing in my apartment, she got angry and started vandalizing my property.

As I held her to ensure that she does not continue her wanton destruction of my property, she started crying and rushed outside calling the police. She lied to the police that I had hit her and I was arrested and charged with domestic violence. This case has made me realize that our judiciary system is seriously biased in some cases and there is a great need for reforms. I know the exact facts of my case and I know that I was wrongly charged with domestic violence and she knows it too. It is thus evident that our courts need to review the cases of domestic violence and ensure that women do not take advantage of the pre-existent stereotypes to falsely accuse innocent men. My view is that the courts should ensure that they listen to both parties involved in a domestic violence case and investigate the facts of

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the case without bias based on archaic stereotypes. This will ensure that the law is not abused and that it achieves its intended objective.

Conclusion

Domestic violence cases have been surrounded by a lot of legal injustices towards men due to the common belief that a man is naturally aggressive. In actual fact, a good number of men are not violent and, for ages, women have been taking advantage of the legal advantage they have over men in domestic violence cases. It is true that in most cases where men are held guilty of domestic violence, it is actually the woman who is guilty. This is because the aforementioned advantage that women have in domestic violence cases make them provoke and sometimes hit men because they know that if the man even attempts to hit them, he is in for trouble.

This has in fact led to more domestic violence as women increasingly provoke men knowing that the men cannot hit them. On the other hand, there has been a score of false accusations of domestic violence directed towards men due to the common belief that men are violent. It is common knowledge that when women argue with their men at home, the men are prone to being guilty of domestic violence since the mere accusation of the man by the woman will make him guilty until he is proven to be innocent.

It is thus of important that the courts consider all the circumstances surrounding domestic violence cases and make appropriate reviews that will reduce the discussed abuse of the law.

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