

Justice system chips away at women's rights

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Credit: Michigan State University

Arrests of women increased dramatically in the past two decades, while domestic abuse laws meant to protect female victims have put many behind bars for defending themselves, a new paper argues.

These trends suggest evidence, at least in the justice system, of a "war on women"—a term coined during the 2012 election that refers to attempts to limit women's rights, said co-author Christina DeJong, associate

professor of criminal justice at Michigan State University.

DeJong said the justice system is chipping away at many of the gains that have been made for women's rights since the 1970s.

"One of the things I'm most concerned about is how rape and domestic assault victims are increasingly being delegitimized," said DeJong, part of a contingent of MSU social scientists studying [violence against women](#). "Many of the protections that were in place for [sexual assault](#) victims are withering, and I think a lot of it has to do with the war on women."

The study analyzed FBI data for all crimes from 1993 to 2012 and found that arrest rates for men decreased 12.5 percent during that time while arrest rates for women jumped 26.7 percent. Arrest rates for violent crimes were even more striking: down 13.5 percent for men and up 53.2 percent for women.

It's highly doubtful that women have suddenly "become more criminal," DeJong said. What's likely fueling the trend in part are changing police practices and dual arrest policies, under which police arrest both parties in a domestic assault and let the courts sort it out. "This is particularly troubling," the study says, "given that much of the domestic violence committed by women consists of acts of self-defense."

The study also says rape shield laws—enacted in the 1980s to protect sexual assault victims from unnecessary scrutiny of their prior sexual behavior—could be extended to domestic violence cases.

Current laws allow defense attorneys to introduce evidence that a [domestic violence](#) victim had consensual sex with her abuser after a violent incident, thus implying she forgave or no longer feared him. By extending rape shield laws to cover [domestic abuse](#) cases, the paper says,

attorneys would not be able to use a [women's](#) sexual activity against her in court.

Police who investigate rape cases have "enormous discretion" in the decision to arrest. Victims who are viewed as less credible by police are less likely to have their assailants arrested. Police may also assess the victim's moral character when deciding whether to pursue a case, including a history of drug or alcohol use, engaging in sex-related occupations or having a prior criminal record.

Therefore, victims who engage in these behaviors may choose not to contact police to report their abuse.

"We need to have a system where rape [victims](#) are treated seriously, where they can feel safe to report the crime and where they feel the [justice system](#) is going to be fair," DeJong said. "I don't think that's the case right now."

Provided by Michigan State University

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