

DOMESTIC VIOLENCE IN THE FAMILY: A CASE OF TOXIC MASCULINITY

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ABSTRACT

Domestic Violence has been a significant and foremost issue for a long time now. Every female victim all around the world has been given special rights and protection in the eyes of the law. But every time a case of domestic violence comes up, often the man is presumed to be the perpetrator, and the female is considered the victim. However, the circumstances are not always the same; because of the recent changes in family structure, domestic violence is not necessarily exclusive to women. Violence is supposed to be gender-neutral, and society needs to accept that men can be victims too. Toxic Masculinity is a serious issue and should not be entertained by the law and society. Every law made is in favor of women as victims, and the helpless men do not get justice for their situation. The scope of the issue is investigated, along with its causes and effects, in this paper. Gender-neutral legislation is required for residential abuse. Domestic abuse ought to be classified as spousal abuse¹. Awareness should be made regarding the issue, and people need to have an open mind while discussing this sensitive issue. Men often do not come forward due to the notion that men cannot be abused and cannot be hurt as they are physically and mentally strong, but people often forget that men, too, are humans at the end of the day and deserve equal rights as women in matters of domestic violence.

Keywords - Patriarchy, Gender neutral Legislations, Spousal violence, Toxic Masculinity.

INTRODUCTION

Violence against women has been talked about and discussed significantly today. Many legislations have been made to protect women against domestic Violence, and many rights have been created to secure women's freedom. But what about men's rights? It has been an age-old notion that men are physically strong and no violence can be committed against them. No rights and punishments are provided in the legislation to protect men against Violence from women.

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¹Cristina Odone, 'Johnny Depp and the Truth about Male Domestic Abuse Victims' (The Spectator, 2022)

<<https://www.spectator.co.uk/article/johnny-depp-and-the-truth-about-male-domestic-abuse-victims/>> accessed 24 April 2023.

It is a common misconception that when the phrase "domestic violence" is used, the guy is the offender and the woman is the victim. The possibility that a guy may have been the victim has never been given the benefit of the doubt. Society barely accepts that a woman can harm a man due to gender stereotypes. Due to their apparent lack of machismo and other denigrations of masculinity, men who reveal domestic Violence may face social shame. Additionally, males may find it more challenging to disclose their condition because intimate partner violence (IPV) in men is less widely acknowledged in Society than in women². The proportional frequency of IPV against men compared to women varies greatly, and some nations do not record any data at all. Numerous experts think that the actual number of male victims is more significant than what the numbers from law enforcement indicate because so many guys fail to disclose incidents of abuse. On the other hand, domestic abuse is a felony that both men and women neglect to report, among the greatest worldwide.

One of the primary reasons men do not come forward with their issues is that there is no support from Society, and no provisions push men to come forward. Men are often said to be strong physically and emotionally. Men showing their emotions is often frowned upon, so there has been no discussion on the current topic. However, when the case Johnny Depp v. Amber Heard came forward, domestic Violence against men became an issue of discussion. The case paved the way for many men to come forward and for many studies to be conducted to find out about the plight of men.³

Domestic Violence against men sounds strange because the pretense that men are strong and no one can hurt them has been built in everyone's mind by Society for a long time now. Nevertheless, living in the twenty-first century, it is time that Society and the government take it upon themselves to educate people and make provisions securing the rights of man.

METHODOLOGY

The research design of the current paper is a mixed-method study. The paper's researchers used qualitative, quantitative, and observational methods of research. The qualitative method helped the researcher find out the attitude and behavior of people in matters of domestic violence against men. It helped the researcher gain different opinions and make a

²Findlaw Staff, 'Domestic Violence Against Men' (*FindLaw*, 2022) <<https://www.findlaw.com/family/domestic-violence/domestic-violence-against-men.html>> accessed 24 April 2023.

³Rosenblatt Kalhan, 'Male Domestic Violence Survivors Say They Feel the Depp-Heard Trial Is a Turning Point' (*NBC News*, 2022) <<https://www.nbcnews.com/pop-culture/pop-culture-news/male-domestic-violence-survivors-say-feel-depp-heard-trial-turning-poi-rcna29742>> accessed 24 April 2023.

comparative study. The quantitative method helped to come up with numeric data regarding the number of cases that are registered where women and men are the victims. The observational method helped the researchers to observe society and the behavior towards the male victims of domestic abuse.

LITERATURE REVIEW

Kimmel (2001) stated that violent behavior at home is one of the significant concerns people in his book, "*Male Victims of Domestic Violence.*" After extensive research and support for the benefit of their victims, efforts to prevent domestic abuse and successfully carry them out have been made. The conditions of males who suffer the negative impacts of violent behavior at home have been improved by new legislation, police technique, and clinical and criminological assessment. Abuse at home has recently taken the front stage in social activities and countless groups. According to decades' worth of studies, anybody may become a victim of domestic abuse. Even though much research suggests that only women experience domestic abuse, more than 100 actual investigations show that both sexes can become victims. These simultaneous male-gender activists put up the need for policymakers to consider males when drafting domestic abuse legislation and policies. This leads to improved legislation, police practices, and forensic and medical studies for males.

In his book "*The Social Construction of Gender*", Lorber J. (1991) explained that sex is socially constructed and influenced by various factors. People frequently interpret the phrase "sex" incorrectly. Male or female and sexual orientation are two examples of how sex alludes to science. Sex is only a tool used by society to control its members. When used in conjunction with class and race, sex may sometimes be used to generalize about someone and have prejudices against them. Segregation is the outright pessimism towards a person based only on his or her unneeded character, whereas biases are a collection of viewpoints that are adverse to one group of the general public. Friendly influences have a significant impact on sexual orientation personality, whilst organic variables have almost any or very little of an impact.

Between 2004–2005 and 2008–2009, the most recent year for which data are available, males regularly accounted for around 40% of incidents of harmful behavior at home setbacks, according to data from the "*Home Office genuine disclosures and the British Crime Survey*". 43.4% of all those who had engaged in accessory abuse in 2006–07 were men.

However, a recent study found that 10.5% of men in the last year and 51.5% of men overall had suffered violence because of their marriages or other intimate partners.

This violence isn't always caused by the female partner or spouse, according to the "*National Family Health Survey*" from 2004, but it does regularly occur when a husband or male relative beats him up or demeans him. An estimated 3 2.5% of males in India cope with aggressive behaviour at home, taking into consideration both real violence and threats from a spouse's family members. 1,650 men were contacted and their unique situations were examined as part of an investigation of domestic abuse against men performed by My Nation and Save Family Foundation (Delhi) between April 2005 and March 2006. The research found that Indian women were the most tyrannical and controlling.⁴

The book "Psychology of Men and Masculinities " emphasizes the dissemination of information that advances men's psychology and masculinities. the investigation of the social and cultural significance of how men's and boys' lives are connected to sex, gender, and other factors. The general concept of this area is that it is related to boys and men. This field covers the biological processes, sex differences and similarities, and the social creation of gender. Additionally, it looks at empirical evidence demonstrating the harm that intimate partner violence (IPV) does to males.

RESULT

1. Through the research method, the researchers deduced that - A person can be abused in many ways in a domestic setting; abuse need not necessarily be physical. Then, abuse may take many forms, both on the part of men and women. (Straus & Sweet, 1992)⁵
2. The researcher presents the case of Johnny Depp v. Amber Heard, where it was proven that domestic violence has no gender. The brief facts of the case - The couple was married from 2015-2017⁶. After the divorce, Heard wrote an op-ed for the Washington Post in 2018 where she accused Johnny Depp of domestic violence without actually naming him. Depp denied the charges, blamed the op-ed for ruining his career, and filed a suit against his ex-wife for Defamation. The jury ruled in favor of Depp and awarded him compensation.

⁴Awsthi Anshika, 'An Indian Perspective on Domestic Violence against Men' (*Times of India*, 2023) <<https://timesofindia.indiatimes.com/readersblog/my-thoughts-on-paper/an-indian-perspective-on-domestic-violence-against-men-50632/>> accessed 24 April 2023.

⁵Suzanne C Swan and others, 'A Review of Research on Women's Use of Violence With Male Intimate Partners' (2008) 23 *Violence and victims* 301.

⁶Sanskar Nikhil, 'Johnny Depp and The Tragedy Of Male Abuse Victims | by Nikhil Sankar | Medium' (*Medium*, 2022) <<https://medium.com/@nikhilsankar/johnny-depp-and-the-tragedy-of-male-abuse-victims-7536c47eec37>> accessed 24 April 2023.

3. Many women struggle greatly with controlling their anger, which makes them aggressive and prone to verbal or physical violence. Women who are under stress at work become frustrated and angry when expectations aren't met, and they may even act violently as a result.⁷

DISCUSSION

1. Depending on the kind of aggressiveness being looked at, there are several answers to this issue. The parts that follow go through how men and women behave differently when it comes to “physical aggression”, “sexual coercion”, “stalking” “psychological aggression”, “coercive control”, and harm caused by intimate partner abuse.

Physical Aggression - Physical violence study typically finds that just as many women as men self-report engaging in this behavior; yet, some research finds that women are more likely to engage in physical aggressiveness. In the “National Family Violence Survey”, a study of 6,002 men and women showed that 11.6% of husbands self-reported domestic violence and 12.4% of females self-reported domestic violence.

Sexual Coercion - "Any situation in which one person uses verbal or physical means to obtain sexual activity against consent," according to the definition of sexual coercion. The majority of research examining the frequency of sexually coercive behavior between men and women with intimate partners has been carried out with populations of college students. Regardless of the demographic under investigation, every study discovered that more men than women engage in sexually coercive behavior toward partners⁸.

Stalking - According to the poll, stalking is "a course of behaviour directed at a specific person that involves repeated physical or visual proximity, nonconsensual communication, verbal, written, or implied threats, or a combination thereof, that would cause a reasonable person fear." In the “National Violence Against Women Survey”, 14.2% of women and 4.3% of men said they had ever been stalked. Women reported being 13 times more likely than men to be really frightened of the stalker.

Psychological Aggression - "A verbal or nonverbal communication intended to cause psychological pain to another person, or perceived to have that intent," is how psychological aggression is defined. In the “National Family Violence Survey”, psychological aggression

⁷Sanjay Deshpande, ‘Sociocultural and Legal Aspects of Violence Against Men’ (2019) 1 Journal of Psychosexual Health 246.

⁸Swan and others (n 5).

was utilized by women nearly equally as by males. In this poll, 74% of men and 75% of women admitted to engaging in at least one act of psychological aggression towards their partners in the previous year. College samples have also revealed equal levels of psychological hostility among men and women.⁹

Injury In cases of domestic violence, injuries to women are significantly more likely to occur. Women made up 73% of the respondents to the "National Survey of Families and Households" who said they had been injured by an intimate partner. Men are more likely to injure them through relatively low-level aggression since they are frequently bigger and stronger than women.

2. After the case of *Johnny Depp v. Amber Heard*, A pivotal moment in the trial, according to some men who claim to have been domestic abuse victims, altered what it meant to be a male victim. The case was a ray of sunshine for many male victims; they were given the hope that no matter what society portrays and makes assumptions about violence in lieu of domestic violence, there is always a hope of justice.

The case brought into light the need for gender-neutral laws in sensitive matters. Gender-neutral law is vitally needed in the present world, where males are falsely accused of rape, domestic abuse, and sexual assault. There is no indication that domestic violence only affects women; both men and women can be both victims and offenders. Because it affects both men and women, domestic violence should be categorized as spousal violence. Indian domestic violence laws solely defend women, not males. Domestic violence against men is getting more common. More steps and amendments are required in order to produce gender-neutral laws that will assist victims in obtaining redress and punishment for criminals, regardless of gender. Many criticized the judgment as a downfall to the #metoo movement, but in actuality, it is the rise of gender equality laws and legislation.

The case of Depp is disheartening, he lost his career and his family, and on top of that, he lost his mental health and his reputation. For years he was categorized as a woman-beater and an abuser when in fact he was the victim of the same. All through the trial, his only wish was to receive justice and not the compensation that he had sued for. He wanted his story to be heard. And he did achieve his goal, his story paved the way for the discussion of gender-neutral laws and the rights of the male victims of domestic violence.

⁹ibid.

The incident has highlighted the need for a deeper comprehension of domestic violence's extent. The case made the following main points, which are listed below.

Domestic violence claims: The fact that an assault may take place in any relationship, regardless of the gender of the offender, has greatly illustrated the reality that both men and women can be the victims of domestic violence.

The judicial system and the obligation of concrete evidence: In this case, Depp had an obligation to prove that he had actually been abused and that the allegations made against him were untrue. The legal process must be equal and unbiased, and all available evidence must be carefully evaluated before a decision is made.

The effect on victims and survivors: The case has brought to light the repercussions of domestic violence on victims and survivors, including the possibility of psychological and bodily injury and the obstacles in coming forward and seeking justice. It is critical to aid victims and promote understanding of the problem to prevent domestic violence.

The case as a whole turned out to be a complex and controversial legal struggle that increased public awareness of the issue of domestic violence and harassment in partnerships. Although gathering information might be complex, it is essential to recognize the effects of domestic abuse and offer support to victims and survivors.

3. Domestic abuse is a serious issue that can hurt anyone, regardless of gender. Remember that domestic violence is never okay, regardless of the victim or the perpetrator. Female domestic violence against men cannot be explained by a single psychological component. However, the following components could be present:

Trauma and previous experiences: Domestic violence may be more likely to be committed by women who have already suffered trauma, abuse, or assault. Though it does not justify what they did, it can help put it in some sort of perspective.

Authority and dominance: These two ideas frequently play a role in domestic violence, and women who harm their partners may be doing so in an effort to exert control over them. This could be the result of a variety of factors, such as low self-worth, a need for authority, or the belief that using force to resolve conflicts is appropriate.

Psychological conditions: Domestic violence perpetrators may also have underlying behavioral issues, including depression, anxiety, or personality disorders. The treatment of these issues may be necessary in order to address the underlying causes of their behavior.¹⁰

CONCLUSION

The norms and attitudes around gender violence are evolving much as the family structure and society are. In-laws and spouses can also be physically and verbally abusive men. As a result, their problems must be recognized as social and public health concerns, and appropriate solutions should be implemented. Even more so by, the spouse also requires assistance in times of stress and domestic violence. Domestic abuse against men must be criminalized in both laws and legislation. A family and society are supported by men and women. Therefore, laws are required to protect both parties from marital abuse.

There is an immediate need for laws for male victims. The notion that men can never be physically abused should be discarded. Violence is a serious crime; no one deserves to be a victim of violence and not receive justice just because of their gender. Every human has a Right to life and the Indian constitution should include provisions that protect the rights of men.



¹⁰Deshpande (n 7).