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OPINION ▪ COMMENTARY

Judicial bias against men

By JACK KAMMER

SUPPOSE A JUDGE handling the bankruptcy of a department store that had been driven to insolvency by shoplifting agreed to let the store stay in business, but only after requiring all females — and only females — to sign a police log upon entering the shop.

Absolutely and certainly, such a ruling would roundly be criticized as sexist, misogynistic and demeaning to women in the way that Baltimore County Circuit Judge Thomas J. Bollinger's decision in a domestic-violence case lately has been lambasted.

Now, suppose a judge in Maryland handling the licensing of a day-care center beset by allegations of child sexual abuse agreed to let the center stay open, but only with the requirement that all males — and only males — sign a police log upon entering. Would a campaign arise against the ruling? Would the judge be criticized?

Apparently not. The police log ruling was handed down in Harford County in 1987 in the case of the Bo Peep Daycare Center. Maryland's Special Joint Committee on Gender Bias in the Courts heard testimony and received newspaper clippings on this judicial decision during hearings that same year, but did not deem it troubling.

When the committee released its report in May of 1989 it was asked how it could fail to criticize such an obvious manifestation of what it was supposed to be rooting out. A spokeswoman stammered weakly that the report had no section in which to include such a situation. She should have been more honest: "The committee is not interested in gender bias against men."

Sexism against men in the judicial system is a reflection of sexism against men in the culture at large. The public campaign to stamp out domestic violence is an especially thick stew of bigoted notions about the relative violence and peacefulness of women and men.

A study called "Beyond the Conflict Tactics Scale: Assessing Gender Differences in Partner Violence," was published in 1995 in the scholarly journal *Violence and Victims*. In about half of violent couples, it found, the violence is mutual. Study after study since the 1975 National Family Violence Survey funded by the National Institutes of Mental Health has found the same thing.

Frequency of injury

The orthodox political response is that women are far more likely than men to be injured by domestic abuse. But the 1995 study found that among those who had been involved in domestic violence, 13.5 percent of men and 20 percent of women said the violence had caused them injury. Furthermore, 1.9 percent of these injured men and 2.3 percent of the injured women said they had sought medical attention. The reason is that women are more likely than men to use weapons and surprise in their attacks.

We can quarrel about statistics, but it is undeniable that at least some men are victims of serious domestic violence. Some of these men will appear before judges in cases in which the violence is germane to the issues the judge must decide. Will such men be treated fairly?

The report of the Maryland Special Joint Committee on Gender Bias in the Courts attached great significance to the testimony of a woman whose story of domestic victimization was utterly disregarded by a male judge who allegedly said, "Since I would not let that happen to me, I can't believe that it happened to you." Intended by the committee as evidence of male judges' skepticism toward female victims of domestic violence, the story is even more powerful as an indication of how such judges would regard a man complaining of physical injury by a woman, and why male victims seldom venture forward to tell their stories to judges.

The fact that a judge is male is no guarantee that he harbors no stereotypical or prejudicial notions that are detrimental to some men in some circumstances. And with growing numbers of women on the bench, we need to be concerned that female jurists, too, are free of biases against men.

The current scrutiny of Judge Bollinger's and other judges' attitudes toward women is justified. Failing to consider judicial views of men is not. It could happen again next week that a judge might require men — and only men — to sign a police log before entering a day-care center. It could happen tomorrow that a judge might utterly dismiss a man's true story of physical attack at the hands of his wife.

And we'd never know that judge's name.

Jack Kammer is the author of "Good Will Toward Men." He was a co-founder of the now-defunct Greater Baltimore Commission for Men, whose purpose was to bring awareness of male gender issues to social-policy making.