

MASS MEDIA AND SOCIETY

Assumption v Justice

By Marie Dockstader

In response to:

“WHILE IT IS UNDENIABLY TRUE

that not not every case of polygamy includes sexual or physical abuse of children the tendency is enough to make the assumption that a polygamous home is not a fit home for a child.”

-Marci Hamilton

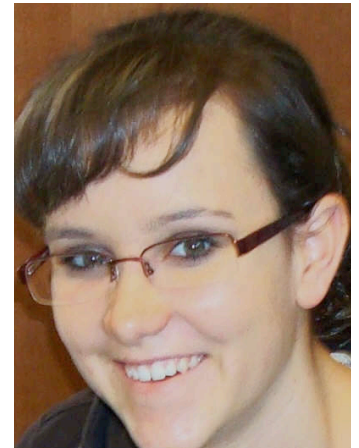
Tendencies and assumptions are used in totalitarian systems that disregard evidence and individual rights.

A “tendency” may justify an assumption, as many stereotypes have demonstrated to the detriment of societies around the world. However, assumptions have no relation to facts and are not evidence in a court of law because they are, by definition, “without proof.” Instead, they are guesses, conclusions from those who, without any direct evidence, make judgments about people’s lives and actions.

Assumptions about the nature of women denied them their right to vote. Assumptions about the nature of black people were part of the chains of slavery. Assumptions about the cultural worthiness of Native American tribes led to the virtual destruction of their civilization. History is a demonstration of the danger of taking action based on “assumptions” or “tendency”.

In Texas, state official assumed abuse based on cultural beliefs. Instead of investigating and gathering evidence, proof required by law, they resolved to remove children from their homes. Consequently, the Third Court of Appeals, ruled that the children must be returned to their parents. The state had not satisfied the proof of abuse required to separate children from their parents. Assumptions cannot satisfy the demand for evidence of guilt required by justice and the rule of law.

The Court ruled that officials had no right to seize more than four hundred children living at the YFZ Ranch in Texas. If a “polygamous home is not a fit home for a child,” then why has Texas returned the children to their parents? Because there is no proof of abuse or any evidence that abuse is “inherent” to the lifestyle. The kind of slippery slope that leads Ms. Hamilton through logic would require the state to remove children from households round



Marie is a senior at The Academy. After graduation she plans on attending college with a major in physical therapy.

MASS MEDIA

the country based on assumptions of their culture and background.

The Founding Fathers fought assumptions through a premise of “innocent until proven guilty.” Every citizen has the right to reasonable proof and valid evidence of wrong doing for prosecution, or all of us live at the sword of other’s perceptions about us; gossip and speculation are at odds with reason and justice. Prejudice, bigotry, racism, and discrimination begin with assumptions. They have no place in the justice system, endorsed by law, or used to break up a family.

The American concept of innocent until proven guilty protects individual rights of citizens. Society does not claim a collective right; it is the combination of personal choices protected by law that encourages cultural diversity and growth on many different people living together. We are protected by law that provides individual choice for each of us. Ms. Hamilton’s statement would make us an intolerant people, guided by our fear and hate of each other, leading us to suffer in a society that smothered and ignored personal freedoms.

If we base cases that influence lives around “assumptions” we take a step back in history, For instance, “while it’s undeniably true that not every” Jew had done anything, the “tendency” was enough for Hitler to make the assumption that all Jews needed to be eradicated from the Earth, and “while it’s undeniably true that not every” Catholic priest abused children, the “tendency is enough to make the assumption” that a Catholic home is “not a fit home for a child.”

The “tendency” might lead us to the “assumption” that all homes are not fit homes for children, because according to

an organization called Prevent Abuse Now, it is estimated that there are over sixty million survivors of sexual abuse alone in America. In a country of three hundred million people, one out of five individuals in America is estimated to have been sexually molested, and this percentage does not even begin to account for physical abuses. As a consequence of using Mrs. Hamilton’s theory, with such an abusive “tendency” in American homes, all homes in America are unfit for children.

The foster care system, the homes Ms. Hamilton would have children from this lifestyle moved to, is well known, supported by evidence not just assumptions, to be deeply flawed, with widespread neglect and abuse.

Of course not all homes in America are unfit homes for children,

and so the statement, which is based on assumptions of tendencies or faulty reasoning, that all American homes are unfit environments for children is not true, just like the Mrs. Hamilton’s assumption homes with polygamous families, a statement without evidence or reasonable thought, is also false.