WOMEN WHO KILL

THE BATTERED WOMAN SYNDROME AS A LEGAL DEFENSE

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Physical, sexual, or emotional violence, or the threats of such violence, between current or former partners

In one year…
- 4.8 million physical assaults & rapes against women
- $8.3 billion cost
- 1,544 deaths in 2004
- 480,000 ER visits

Over 50% of women will be battered in lifetime
Main cause of injury for women ages 15-44
4 women die every day

Braden-Maguire et al., 2005; Leonard, 2001; Murphy & Ouimet, 2008; Roberts & Kim, 2005; Stout, 1989
Possible Effects of IPV

- scars
- permanent disabilities
- chronic pain
- persistent fear
- shame
- self-blame
- low self-esteem
- anxiety
- depression
- PTSD
- excluding self from others
- anger
- aggression
- alcohol/drug use
- suicidal ideation &/or attempt

DeHart, 2008; Murphy & Ouimet, 2008
Injuries to Head, Neck, & Face

- 40-70% of women abused in these areas
- Mild-Traumatic Brain Injury (MTBI) → victim’s skull dented inward after being struck by moving object, causing bruising to the brain
- Possible effects of MTBI
  - physical – headaches, fatigue, intrusive thoughts, loss of hearing &/or vision
  - mental – memory loss, confusion, difficulty with planning, reasoning, & understanding
  - psychological – mood swings, depression, personality & psychotic disorders

Roberts & Kim, 2005
When IPV Turns Deadly

- 750 – 1,000+ women kill abusers every year
- 800 – 2,000 women in prison for killing abuser
- 4% of male homicides caused by current or former wife or girlfriend
- 1/3 of victims in spousal murders are husbands
- Biggest difference between women who killed & those who did not?
- Characteristics of abusers killed

Hattendorf et al., 1999; Leonard, 2001; Huss et al., 2006; Dolan, 2003
Changes in mood occur

Abuser’s mental games became too much

Feelings of hopelessness & dwindling alternatives dominate mindset

Most symptomatic time → between last battering & lethal incident

End result → kill or be killed

Roberts & Kim, 2005; Hattendorf et al., 1999; Leonard, 2001
Responses to Lethal IPV

- She is a battered woman!
  - murder conviction is unfair
  - she should not be held accountable the same as others who have killed

- She is a murderer!
  - too many issues with decreasing or eliminating culpability for the death of another
  - she killed & needs to be held accountable
  - being abused is not an excuse for murder

Hattendorf, et al., 2009; Huss et al., 2006; Mills, 1999
Battered Woman Syndrome as a Legal Defense

- Battered Woman Syndrome – Walker (1979)
  - Cycle of violence
    - tension building
    - acute battering incident
    - loving contrition
  - Learned helplessness

- Not guilty by reason of self-defense
  - “reasonable man” standard

- BWS defense serves as evidence to explain woman’s perception of threat

DeHart, 2008; Dolan, 2003; Dutton, 2004; Ferraro, 2003; Plumm & Terrance, 2009; Russell & Melillo, 2006
The BWS *Should* be Used as a Legal Defense Because...

- Law asking for reasonableness in unreasonable circumstances
- Jurors have difficulty understanding woman’s actions
- Context needs to be considered

Ferraro, 2003; Huss et al., 2006; Plumm & Terrance, 2009; Russell & Melillo, 2006
The BWS Should Not be Used as a Legal Defense Because...

- Adds to stereotypes of “real” battered woman
- Woman may not meet all criteria
- Contradicts woman’s actions
- Suggests mental instability on part of woman
- It is an excuse, not a justification
- Woman has to prove she’s a “worthy” victim
- Is being free of IPV a right, or a privilege?

Dolan, 2003; Ferraro, 2003; Huss et al., 2006; Plumm & Terrance, 2009; Russell & Melillo, 2006
Recommendations for Future Work

- **Change in name**
  - the effects of battering
- **Change in defense**
  - social agency framework (SAF)
  - posttraumatic stress disorder (PTSD)
- **Data collection needed**
- **Shift focus from victim to offender**

THANK YOU!

ANY QUESTIONS??
References


