

WOMEN WHO KILL

THE BATTERED WOMAN SYNDROME AS A LEGAL DEFENSE

Shauna Simmons

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Center on Violence Against Women & Children

What Is Intimate Partner Violence?

- 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

Possible Effects of IPV

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

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

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

When IPV Turns Deadly (con't)

- 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

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

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

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

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?

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

- American Psychiatric Association. (2000). *Diagnostic and statistical manual of mental disorders* (4th ed., text revision). Arlington, VA: Author.
- Braden-Maguire, J., Sigal, J., & Perrino, C. S. (2005). Battered women who kill: Variables affecting simulated jurors' verdicts. *Journal of Family Violence, 20*(6), 403-408.
- DeHart, D. D. (2008). Pathways to prison: Impact of victimization in the lives of incarcerated women. *Violence Against Women, 14*(12), 1362-1381.
- Dolan, F. E. (2003). Battered women, petty traitors, and the legacy of coverture. *Feminist Studies, 29*(2), 249-277.
- Dutton, M. A. (2004). Complexity of women's response to violence: Response to Briere and Jordan. *Journal of Interpersonal Violence, 19*, 1277-1282.
- Ferraro, K. J. (2003). The words change, but the melody lingers: The persistence of the battered woman syndrome in criminal cases involving battered women. *Violence Against Women, 9*(1), 110-129.
- Hattendorf, J., Ottens, A. J., & Lomax, R. G. (1999). Type and severity of abuse and Posttraumatic Stress Disorder symptoms reported by women who killed their abusive partners. *Violence Against Women, 5*(3), 292-312.
- Huss, M. T., Tomkins, A. J., Garbin, C. P., Schopp, R. F., & Kilian, A. (2006). Battered women who kill their abusers: An examination of commonsense notions, cognitions, and judgments. *Journal of Interpersonal Violence, 21*(8), 1063-1080.
- Leonard, E. D. (2001). Convicted survivors: Comparing and describing California's battered women inmates. *The Prison Journal, 81*(1), 73-86.
- Murphy, S. B. & Ouimet, L. V. (2008). Intimate partner violence: A call for social work action. *Health & Social Work, 33*(4), 309-314.
- Plumm, K. M. & Terrance, C. A. (2009). Battered women who kill: The impact of expert testimony and empathy induction in the courtroom. *Violence Against Women, 15*(2), 186-205.
- Roberts, A. R. & Kim, J. H. (2005). Exploring the effects of head injuries among battered women: A qualitative study of chronic and severe woman battering. *Journal of Social Service Research, 32*(1), 33-47.
- Russell, B. L. & Melillo, L. S. (2006). Attitudes toward battered women who kill: Defendant typicality and judgments of culpability. *Criminal Justice and Behavior, 33*, 219-241.
- Stout, K. D. (1989). "Intimate femicide": Effect of legislation and social services. *Affilia, 4*(2), 21-30.