

# Battered woman's syndrome

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Shrouded in myth, distortions and grotesque stereotypes the public profile of a battered woman who kills her intimate partner is a misunderstood phenomenon. Throughout the course of history women were viewed as property, powerless victims of a patriarchal social political and legal system. Family television programs in the 1950's satirized while minimizing aspects of spousal abuse.

Comedian Jackie Gleason portrayed the beloved character Ralph Cramdon and memorialized the prime time phrase while chastising his small screen wife. "To the moon with you Alice," red-faced and frantically waving a balled up fist at the now passive Alice.

The scene was punctuated with the live audience roaring with laughter at the comedian's folly. Acts of partner violence were committed behind closed doors in the family home. The criminal justice system offered scant protection to victims of spousal abuse. Assaults committed behind closed doors went unreported viewed as private family matters. The criminal justice system could offer no protection to victims of spousal abuse. On the contrary victims of domestic violence were shunned and shamed into suffering in fear and collective silence.

Those bold enough to ask for protection from abuse were turned away if not legally married to their abuser. However, the pleas of countless nameless faceless victims of domestic violence were honored with the unyielding commitment of grassroots advocates in the 1970's and 1980's. Dr Lenore Walker, a renowned forensic psychologist, feminist and researcher established the concept of "Battered Woman's Syndrome (BWS)" According to Walker, the rubric of BWS consists of two co-existing elements: "The <https://assignbuster.com/battered-womans-syndrome/>

cycle of domestic violence and classic symptoms of learned helplessness" (Walker 1984).

Walker's concept of Battered Woman's Syndrome emerged as a component in legal defenses, "when battered women killed in self defense" (Walker 2004). According to Walker BWS "describes a pattern of psychological and behavioral symptoms found in women in battering relationships" (Balkin (2005)). Battered Woman's Syndrome is not a sanctioned legal defense. However, it is recognized as, "part of the doctrine of self-defense so as to establish the belief of the woman that she was in danger of death or bodily injury" (National Clearinghouse for the Defense of Battered Women (2006)).

According to Battered Woman's Syndrome attorney, Mira Mihajiovich, "testimony concerning BWS is used to support a battered woman's self-defense claim, not to explain away her actions or give her a special defense that would allow her to 'destroy her tormentor at her own discretion" (Balkin 2005). At the heart of the Battered Woman's Syndrome phenomenon is desperation and gut wrenching terror. To fully grasp BWS one must embrace the framework and emotionally charged dynamics associated with chronic abuse and spousal battering.

Domestic violence is described by the National Center for Victims of Crimes as, "the willful intimidation, assault, battery, sexual assault or other abusive behaviors perpetrated by an intimate partner against another" (Domestic Violence Facts; National Collation against Domestic Violence 2001). Although the concept of Battered Woman's Syndrome emerged in the 1970's the "U.

S. legal system was slow to accept BWS as a factor in the self defense pleas of battered women accused of murdering their batterers”(Balkin 2005).

Prior to the late 1980's an abused woman's " psychological state and the brutality and violence she suffered at the hands of her batterer could not be used at her trial”(Balkin 2005). However, with public education and exposure to domestic abuse the rays of enlightenment expanded into the wooden paneled courtrooms nationwide. In *Robinson v. State* the Court examined the merits of the " Battered Spouse Syndrome in relation to the specific elements of self defense in a homicide case.

The Court found " the unique perceptions of a defendant suffering from battered woman's syndrome are generally compatible with the law of the State regarding self-defense”(Robinson v State 308 S. C. 74, 417 S. E. 2d 88(1992). Battered Woman's Syndrome has appeared as a component of the criminal trial process since the late 1970s. Testimony presented by experts in the field must be qualified by the Court before offering testify on the role the syndrome played in the homicide. The landmark case that opened the door for the use of Battered Woman's Syndrome (BWS) was *State of Oregon v.*

*Kelly* (1985). The Court concluded in *State v Kelly* that, " BWS is admissible to aid juries in assessing a defendant's perception of danger posed by the abuser”(State v Kelly (1985). The 4th Circuit Court of Appeals for South Carolina Court's reasoning in *Grubb v State* was compatible with South Carolina's Annotated Code 17-23-170(2001) which governs the " admissibility of expert testimony of the battered spouse syndrome”(Grubb v

State 2003). Battered Woman's Syndrome was first recognized in South Carolina when the S. C.

Supreme Court in *State v. Hill*, 287 S. C. 398, 339 S. E. 2d 121(1986) held, "that expert testimony about battered spouse syndrome is admissible to establish a claim of self-defense in a homicide case. The Court further recognized that an, " emerging trend in other jurisdictions that find ' the testimony is relevant to the issue of self-defense and highly probative of the defendant's state of mind at the time of the incident'" (Id. At 400, 339 S. E. 2d at 122). The Court echoed the Grubbs decision in *Robinson v State* 308 S. C. 74, 417 S. E. 2d 88(1992) " examining the battered spouse syndrome in relation to the specific elements of self-defense in a homicide case. " " The Court found ' the unique perceptions of a defendant suffering from battered woman's syndrome are generally compatible with the law of this State regarding self-defense"( Id at 78, 417 S. E. 2d at 91). It was judicial decisions such as these that established battered woman's syndrome as a sanctioned legal premise. The South Carolina Court in *Robinson v. State* concluded:

Our interpretation of the relationship between the battered woman's syndrome and self-defense is cursory, at best, and should not be construed as this Court's last word on the subject. Our law will continue to evolve as the scientific community's understanding of the battered woman's syndrome develops and society's comprehension of the condition becomes more sophisticated" (*Robinson v. State* Id at 80, 417 S. E. 2d at 92(1992). Bolstering this trend setting precedent was found in Section 17-23-170 of the South Carolina Code governing the " admissibility of expert testimony on battered woman's syndrome states:

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(A) Evidence that the actor was suffering from the battered spouse syndrome is admissible in a criminal action on the issue of whether the actor lawfully acted in self-defense, defense of another, defense of necessity, or defense of duress. This section does not preclude the admission of testimony on battered spouse syndrome in other criminal actions {S. C. Code Ann. & 17-23-170 (Supp. 2001)}. Although great strides have been forged in the judicial arena a universal acceptance of the validity and application of BWS in spousal homicide cases does not exist.

The 5th Circuit Court of Appeals in Texas argued in *Dixon v. U. S.* expert testimony on BWS was “inherently subjective, and inadmissible to prove duress” (*Dixon v. U. S.* 413 F. 3d 520 5th Cir. 2005). Testimony on BWS is recognized in 31 states giving rise to the quandary as to why some jurisdictions embrace the concept while others rebuke it. “There’s a lot of skepticism with any type of psychiatric testimony and some Court’s are unconvinced that mental disorders and or emotional disorders are justifications for committing a crime {Walker (2006)}.

Some in the field raise concerns that widespread acceptance of BWS may lead to an increase in “false or exaggerated abuse claims” (Dixon (2006)). “Many months after killing her husband, a woman may lie to an evaluating psychologist before trial, faking symptoms like depression and anxiety” (Dixon 2006). Domestic Violence and Battered Woman’s Syndrome Facts: 1. In 2000, an intimate partner killed 1, 247 women and 440 men {U. S Dept of Justice (2005)}. In 1999, 74% or 1, 218 or the 1, 642 persons murdered by an intimate partner were female (Rennison, U. S.

Dept of Justice, Bureau of Statistics, Intimate Partner Violence and Age of Victim. 1993-99, (2001). 3. The concept of the battered woman's syndrome was developed in reaction to the misapplication of the self-defense doctrine to battered woman when they kill their spouse (Schneider (2000) Elizabeth, Battered Women and Feminist Lawmaking 117, 135(2000)}. The United States Supreme Court has observed that almost four million women are the victims of severe assaults by their male partners every year. Thirty percent of female homicide victims are killed by their male partners (Planned Parenthood vs.

Casey, 112 S. Ct. 2791, 2826-2831 (1992). Each year, 2, 000-4, 000 women in the U. S. are murdered by abusive partners or ex-partners (American Bar Association, " American Bar Association Commission on Domestic Violence," American Bar Association). Battered Woman's Syndrome falls under what the American Psychological Association defines as Post Traumatic Stress Disorder, rather than a mental illness (National Center for Post-Traumatic Stress Disorder, " What is Posttraumatic Stress Disorder? " U. S. Department of Veterans Affairs, 22 Feb. 2006).

Outsiders frequently are puzzled. If things are so bad, why do women stay? Why do they kill? Why don't they just leave? If a woman is being abused, why doesn't she just pack her bags and get out. Those familiar with BWS and barriers plaguing victims of domestic violence encourage a greater empathy and understanding as to what motivates battered women to stay in abusive relationships. The Court in the People v. Aris, 215 Cal App 3d 1194, 264 Cal Rptr 167, 178 (1989) held that, " battered women tend to stay in abusive relationships for a number of reasons. "

" The battered woman believes the violence is her fault, she has an inability to place the responsibility for the violence elsewhere. She fears for her life and or her children's lives (Walker 2003). Many BWS victims " experience ' learned helplessness,' a condition brought about by the battered woman's futile attempt to protect herself from her abuser"(Walker 2003). Battered women assume the burden for making the marriage work. Fears of economic insufficiency, scant job skills, many women feel trapped erroneously believing they would be at greater risk to leave.

Thus it has been said the cycle-of-violence and passivity reinforces the perception of helplessness. Overtime, women's ability to rationally evaluate the situation unfolding around becomes distorted. In the Matter of Glen G. and Josephine G. , 587 NYS 2d 464, 469 (1992) the concept of battered woman's syndrome was described as " a breaking down of a woman's self confidence and self respect to a point where she no longer knows if she is crazy or not. " In recent years there has been a concerted effort to inform and educate the Courts on the complexities and cycles associated with domestic violence and battered women.

In order for justice to prevail, it is crucial for the Courts to recognize the profound psychological trauma caused by Battered Woman's Syndrome and acknowledge an isolated battered spouse is often controlled and dominated with raw terror. In many respects great strides have been made in enlightening the public and the Court's about domestic violence and the prevalence of Battered Woman's Syndrome. However, unrealistic stereotypes still persist and the public often turns a blind eye to the



magnitude and implications violence against women imparts. It is uncomfortable to embrace.

An ugly truth that corrupts the premise of a safe and happy family home. Many fear the recent appointments of staunch conservative Justices to the Supreme Court will hinder the strides and human rights made by advocates of battered women who kill in self-defense. The Four Psychological Stages Of Battered Woman Syndrome: Stage One: DENIAL The woman refuses to admit even to herself, that she has been beaten or that there is a problem in her marriage. She may call each incident an accident. She offers excuses for her husband's violence and each time firmly believes it will never happen again.

Stage Two: GUILT She now acknowledges there is a problem, but considers herself responsible for it. She deserves to be beaten, she feels because she has defects in her character and is not living up to her husband's expectations. Stage Three: ENLIGHTENMENT The woman no longer assumes responsibility for her husband's abusive treatment, recognizing that no one deserves to be beaten. She is still committed to her marriage though and stays with her husband hoping they can work things out. Stage Four: RESPONSIBILITY

Accepting the fact that her husband will not, or cannot, stop his violent behavior, the battered woman decides she will no longer submit to it and starts a new life (Survivor's Empowerment Zone 2007). REFERENCES: Balkin Karen F. , (2003) " Introduction. " Current Controversies: Violence Against Women. Ed. Karen F Balkin San Diego Greenhaven Press. Department of Veterans Affairs,(2006). Posttraumatic Stress Disorder. Dixon Wheeler John. , PhD, JD, An Essay on Battered Women, (2003) Grubb v State (2003) South <https://assignbuster.com/battered-womans-syndrome/>

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