

# Defending your case

Law



Battered Women's Syndrome and Defense Your School Department, This paper is a partial fulfillment for the subject \_\_\_\_\_, under Professor \_\_\_\_\_.

### Battered Women's Syndrome and Battered Woman Defense

Domestic violence is a term that defines abusive behaviors in an intimate relationship such as marriage, dating or cohabitation. It has many forms: physical aggression, emotional attacks, threats, sexual abuse; stalking and even financial abuse. Domestic violence usually happens with alcoholism, and mental illness on the part of the abuser and low self esteem on the part of the abused. The question is, should Battered Women's Syndrome an acceptable defense in courts?

Battered Women's Syndrome is a result of domestic violence. It is a set of symptoms found in a woman who has lived in an abusive relationship. It is a form of post traumatic relationship, where the female can go to being paranoid because of the trauma she is experiencing from the pains of the relationship. Domestic violence is actually listed as a disease, albeit not an organic one. It is a disease because it causes pain and mental stress to the victim. To be called a "battered woman" a female should have two cycles of battering.

There are no statistics that show the rate of the victims of Battered Women's Syndrome. However, there are statistics that show that 50% of all the homeless women in the States are fleeing domestic violence. Statistics also show that men beat almost 4 million women every year. They are all helpless, and as part of the syndrome, they even stick with their partners even if they are abused. However, there are those who manage to kill their abusive partners as part of survival. Unfortunately, that accounts for a <https://assignbuster.com/defending-your-case/>

criminal case.

Looking through history, we can see that Domestic Violence is not new. In fact, it is permitted. Women were always seen as the inferior sex and this made the men more confident in lording over women. In ancient Roman history, the husband is permitted to use force like breaking his wife's nose to discipline her. The English principle of coverture actually commodified women: they are properties too. Lastly, and perhaps the most infamous law regarding Domestic Violence is the Rule of Thumb. It was in the Common Law of England that states that a man can beat his wife as long as the stick used is not wider than his thumb.

The Battered Woman Defense is not regarded highly in courts. Why? The main argument of the judiciary system is this " the females do not get out of the abusive relationship early on". The judiciary system is implying that these females killed the [abusive] man because they are indeed murderous people, not saving their lives as what the females say. Looking at the symptoms of the syndrome, though, we can see that the victims of Domestic Violence are those who are suffering from low self esteem: they would rather stay and be hurt than be alone. They would also opt to stay because they are afraid of more pain since their partner threatens to inflict more pain if she " escapes".

Obviously, the relationship is not healthy, and it is quite unfair to judge a victim of domestic violence to be a little murderous. The women usually get to inadvertently kill their partners as they defend themselves. It is common sense to fight when someone is fighting you, but the court would not allow it.

There are women in jail because they tried to defend themselves from

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abusive partners. They use the Battered Woman Defense, which gives the court an idea of how abusive the relationship is; stating that the females are victims and may be having Post Traumatic Stress Disorder. The Battered Woman defense is usually seen as a female Self Defense defense since the defendants of the cases like these are women. It should be understood that the victims here have a psychological condition that convinces them that they should not leave their partners. They have low self esteem. Plus the fact that the man and the woman are romantically involved as well, making it quite difficult to sever ties since love is corollary to hope and vice versa. The victims continue to hope that their partners would change, thus they do not seek help.

It is not an effective defense because the Battered Woman Syndrome is not exactly seen as a legal defense but the counsel can cite Violence Against Women Law. The Battered Woman Syndrome is also not a full-blown disease, but only a variant of Post Traumatic Stress Syndrome. Add the fact that the society, due to the years of conditioning that women are second-class citizens, does not actively pursue an active campaign against Domestic Violence.

For me, the Battered Woman Syndrome/Defense is quite effective because it shows reality that a person can actually turn into something unexpected when push comes to shove. It is also human nature to defend oneself, and if the person has been abused countless times, it is understandable for the victims if they commit murder as defense.

References:

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