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Battered Woman Syndrome: Its Effect on Women and the Legal System

Battered woman syndrome, also known as battered person syndrome, is a form of post-traumatic stress disorder that is developed by women who have faced abuse from an intimate partner. This psychological condition is characterized as a collection of behaviors caused by abuse, including helplessness, negative coping behaviors, and belief that the victims themselves are to blame for their abuse. The abuse is known as IPV, or intimate partner violence, and includes physical violence, sexual violence, stalking, and psychological aggression. The term battered woman syndrome was coined in the late-1970s by American psychologist Dr. Lenore E. Walker, whose research primarily focuses on domestic violence and sexual abuse of women. For some women, the use of battered woman syndrome in the courts is beneficial, as it can be used to better understand violent behavior as self-defense. However, some believe battered women syndrome is not a legitimate defense in the legal system, as it excuses women who act irrationally in abusive situations.

During an abusive relationship, an abuser typically engages in a four-stage cycle of abuse towards a woman ("The Cycle of Abuse"). This "cycle of abuse" was developed by Dr. Walker in order to explain patterns of violence in relationships. The cycle begins when the abuser is faced with a certain stressor, causing them to feel tense. At this stage, the victim will try to be

cautious and careful around their abuser, and they may even try to cater to their needs. When the tension eventually becomes unbearable, the second phase begins. This phase is known as acting out, where the actual violence occurs. The violence may include verbal, physical, or sexual abuse, and it may last anywhere from a few minutes to many hours. The following stage is known as the rationalization or justification stage. In this stage, the abuser attempts to blame the victim for their violent actions as a means of condoning their actions. This may cause a victim to actually believe that they are the reason for the abuse, and they begin to believe the story the way the abuser portrays it. The final stage is known as normalization. In this stage, the abuser is free to act as if everything is normal due to their justification of the incident and their victim's belief that they are to blame. This false acceptance causes the relationship to carry on normally until the cycle begins again. Over time, this cycle becomes heavily detrimental to the victim's mental state. During their abuse, they tend to isolate themselves from their loved ones, leading to closer attachment to the abuser. In addition, the abuse tends to become more violent as time passes.

In the abusive relationship, a battered woman may experience many unhealthy emotions towards her abuser. Some of these include extreme gratitude for small acts of kindness from the abuser, viewing outside allies as enemies, having trouble caring for dependent children, and relying on the abuser for financial and emotional support. Battered women may refrain from telling others of their problem due to fear of disbelief or shame and humiliation from loved ones, fear of financial instability, fear of continued abuse, and in some cases, fear of a change in immigration status. Even if a battered woman is able to effectively escape domestic violence, she may face several symptoms long after the fact. These may include nightmares and insomnia, panic attacks, and avoidance of discussing the abuse and things that remind them of it (Gotter, "Battered Women Syndrome").

The recognition of women's domestic abuse was mainly brought about during the 1970s as a result of society's focus on women's equality. Before this era, abuse of women was justified by the law, which favored men and allowed them to abuse their partners as long as the abuse was within a certain level of severity. Only in 1871 in Alabama did the US begin to consider domestic violence a crime. During the new era for women's rights in the 1960s and 1970s, women were making new advances, attempting to break from the inferiority they had always been associated with and gain control both in society and in relationships. Support for women had increased greatly; the first women's shelter had opened, hospitals had created a protocol to holistically aid traumatized women, and coordinated response programs were developed to better combat issues of domestic violence. (“M., “History of the Battered Women’s Movement: Saint Martha’s Hall”).

There has been discussion on whether or not battered woman syndrome can be used to a woman's benefit in the legal system. This is known as the “Battered Woman’s Defense,” an idea which was brought about as a result of the women's rights movement in the 1960s and 1970s. The debate is fundamentally based on whether or not it is acceptable for the courts to use the syndrome to better understand a woman who has injured or killed her spouse as self-defense. The utilization of battered woman syndrome mainly depends on expert testimony, which is when the courts allow a specialist in psychology to give their opinion on the matter, influencing the juror's decision. Expert testimony can fit into two categories; general testimony and case-specific testimony. General testimony focuses on the effects of battering on a woman from a scientific perspective, while case-specific testimony highlights the plaintiff's individual experience. Expert testimony is not used as a means of justifying a battered woman's actions, but rather as a means of understanding them (Washington 387-388).

One court case dealing with battered woman syndrome was the 1985 case of Hawthorne v. State of Florida. This case focused on whether or not expert testimony can be used to identify self-defense in an abusive relationship. The case dealt with Joyce Bernice Hawthorne, a woman who shot and killed her abusive husband and was charged with first-degree murder. She introduced expert testimony to the court at a second trial, which the court denied and convicted her of second-degree murder. The appellate court reversed using the expert testimony of Dr. Lenore Walker and providing evidence that Hawthorne was using self-defense in order to prevent danger to herself and her children. (“Hawthorne v. State of Florida, 470 So.2d 770”). The court used a three part-test to determine whether or not this expert testimony was admissible: ”(1) the subject matter ‘must be so distinctively related to some science, business, or occupation as to be beyond the ken of the average layman; (2) ‘the witness must have sufficient skill, knowledge, or experience in that field or calling as to make it appear that his opinion or inference will probably aid the trier in his search for truth’; and (3) expert testimony is inadmissible if ‘the state of the pertinent art or scientific knowledge does not permit a reasonable opinion to be asserted even by an expert.’” (qtd. in McCormick 4) The court concluded that the testimony met the first criteria, but the second and third caused the testimony to be regarded as inadmissible. Battered women’s syndrome was not allowed to be used in this case due to the fact that there was not enough study done on the subject at the time.

Another similar case using battered woman syndrome was the 1984 case of New Jersey v. Kelly. This case also focused on the validity of expert testimony for battered woman syndrome. The case involved Gladys Kelly, a woman in an abusive relationship who stabbed her husband to death and was charged with murder. It was intended that a psychologist present evidence of the plaintiff’s self-defense, but the testimony was deemed inadmissible by the state

of New Jersey, and the state convicted Kelly of reckless manslaughter. However, the court ruled that the expert testimony for battered women's syndrome was valid, as the defendant murdered her husband in order to protect herself. The court granted review of the case and a new trial was ordered. (“New Jersey v. Kelly, 478 A.2d 364”).

As seen in these two court cases, the use of battered women’s syndrome in the legal system depends on each individual case. The validity of the women’s experience is not necessarily the deciding factor but rather the validity of the expert testimony. In addition, expert testimony is not used to excuse a woman's actions, but instead to better understand her motives and confirm that she committed her actions in self-defense.

Battered women syndrome has a detrimental effect on a woman’s psychological state. In an abusive relationship, a battered woman’s mentality completely changes, usually leading to a justification and dependability on the abuser. Even after leaving an abusive relationship, a woman may still face several symptoms, preventing her from ever escaping completely. In the cases where a woman escapes the abusive relationship by inflicting violence on her partner, the legal system becomes involved. The use of expert testimony and its admissibility is the deciding factor for whether or not a woman can use battered woman syndrome to her advantage in the courts. The use of the “Battered Woman’s Defense” in the legal system has been debated heavily; however, its validity depends on each individual case, as shown in Hawthorne v. State of Florida and New Jersey v. Kelly. In these ways, battered woman syndrome has a major effect on each individual woman and on the legal system as a whole.

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