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ΕΙΣΗΓΗΣΗ

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ΤΙΤΛΟΣ

‘Gender Inequity in the Lives of Convicted Survivors’¹

‘Ενδοοικογενειακή Βία: Πότε τα θύματα γίνονται δράστες;’

I. Gendered Violence

The gender-specific nature of violence against female partners produces a series of social structural obstacles to women who seek to escape and find safety. When individual and/or institutional efforts fail to protect battered women from life-threatening danger, some women use lethal force to save their own lives and the lives of their children. When that occurs, these women face another series of gendered disadvantages as the criminal justice system responds to their actions. Using the words of convicted survivors for illustration, this presentation describes the gendered difficulties encountered by battered women who kill abusive partners as their paths take them from victim to prisoner.

ELLEN: A battered woman is somebody that is abused, used, talked down to, treated like she's less than a human, a sub-species. She's somebody that someone else can get a nut off of abusing and hitting and pounding on, watching her bleed, watching her teeth knocked loose or out, looking at her face looking like hamburger, that controls the situation. Basically that's the whole thing; that's the key. It's a control. Running someone else's life, someone else having the power over you to dominate, to put you down, to make you grovel, make you show fear. I wished many times that somebody would just pull the trigger and blow my head off. I wouldn't have to deal with it. But that is what a battered woman is to me—you have no self esteem, you don't like yourself, you don't love yourself, you don't know who you are, you are a shadow of this "wonderful" man, you don't count. You are Mrs. whatever. You don't have an identity. I thought my name was 'bitch' until I came here.

No one knows how many convicted survivors like Ellen currently live out their lives behind the walls of America's prisons—women held criminally responsible for the death of abusive male partners. These formerly battered women exist, close to invisible, their status as female in a male-dominated society lessens their relevance, credibility, and visibility. As battered women, they are silenced and isolated socially by their abusers and by the shame they feel as a result of ongoing victimization. When they respond to their mates' lethal intent by using deadly force, prosecutors, judges, and juries ignore their self-protective motivations. Convicted battered women are then incarcerated by the same criminal justice system that largely ignored their cries for help. According to various estimates, 800 to 4,500 women serve prison sentences for killing their abusers. The number of convicted survivors remains

¹Leonard, E.D. "Stages of Gendered Injustice in the Lives of Convicted Battered Women." *Gendered Justice*, Barbara Bloom (ed.). Carolina Academic Press. 2003.

unknown for several reasons: justice agencies do not collect systematic data on victim-offender relationships in all homicide cases; trial transcripts of battered women who kill often are devoid of evidence of abuse; prison files rarely reveal which women killed abusive partners; after incarceration, many women do not reveal the context of the homicide nor do they always identify themselves as domestic violence survivors. Thus, their invisibility continues.

Ellen's experiences as a survivor of severe domestic violence and as a woman convicted in the death of her husband mirror those of many other women living out their lives in US prisons. While each woman's life has its own distinctiveness, closer examination of their experiences reveals shared patterns and processes—patterns and processes structured around a gendered society. Throughout these violent relationships, gender norms and expectations dictate the actions and responses of violent men, traumatized women, family and friends, the criminal justice system, communities of faith, and other social institutions. The patriarchal legacy has shaped a society stratified by gender, which continues to facilitate and enable intimate violence against women with myriad destructive consequences, while it over-punishes women who defend themselves.

Social norms, laws, policies, and sheer physical strength systematically have given men more power than women. Therefore, explanations of domestic violence that assert gender neutrality assume an equality of power in heterosexual relationships and ignore centuries of male-dominated social systems and structures.

JODY: It would have been different if I would have been six foot two and him five foot seven. Mutual combat is between two men in a bar. It's an antiquated term. It doesn't apply to women. And I know there's a lot of women out there with the Tae Bo and all that stuff that I see on TV, but that's just not how it was.

In the United States, women are more likely to be attacked, injured, raped, or killed by a current or former male partner than by all other types of assailants combined. At minimum one million American women are abused in their homes each year; at least 20 percent to 25 percent of adolescent girls have experienced physical or sexual violence from a dating partner.

Canada: 1 in 6 currently married women and 1/2 of previously married report DV

Britain: 1 in 3-4 women have been DV victims at some time; 48% of female murder victims are killed by male partners.

Greece: Lack of data; Few services for victims; 1st national survey: about 4% women report physical abuse, 56% verbal abuse, nearly 4% sexual abuse. However, independent research finds nearly 1 in 4 married women are victims of husband's violence; 21% of them seek medical treatment; only 1 in 4 report to police.

In their discussion of conjugal jealousy and violence around the world, Wilson and Daly (1992) report that American women are at an especially high risk for partner homicide: Women in the United States today face a statistical risk of being slain by their husbands that is about five to ten times greater than that faced by their European counterparts, and in the most violent American cities, risk is five times higher again. It may be the case that men have proprietary inclinations toward their wives everywhere, but they do not everywhere feel equally entitled to act upon them. (P. 96)

In sum, violence against women occurs predominantly in the context of intimate partner violence. The same pattern does not hold for males. Clearly, intimate partner violence is a social problem structured by gender and rooted in gender inequality.

CHERYL: I talked to one minister and I was told, "Oh, you're not loving him enough. Just love him a little harder." Then I went to a psychiatrist and he told me it was all our fault. It was all women's fault because we are always trying to *castrate* the man. So I figured, this man has gone through years of schooling, he's a psychiatrist, he works in Beverly Hills with all the others getting big bucks, I figured he knew what he was

doing. I figured it must be my fault. I was just told it was. So I stopped trying to figure out what was wrong, because it was all my fault.

II. The Gendered Question

Inevitably, the question that arises in the minds of many, if not most, people who hear about intimate violence is *why doesn't she just leave*? That this question is routinely asked in the absence of the more relevant questions: *Why is he hitting her? Why doesn't he stop beating her? Why doesn't he leave? Why won't he let her leave?* reveals a pervasive gender bias. The question *why doesn't she leave?* assumes her behavior rather than his is unusual and in need of explanation. The question makes the woman rather than the abusive man responsible for stopping the violence. This bias suggests an implicit acceptance of the abuser's actions as falling within a normative range of male behavior. Furthermore, the question assumes:

(1) leaving is easy or simple—when abusers restrict their partners' access to finances and outside social support; some men sabotage cars, rip telephones off walls, threaten, and go to other extreme measures to ensure women stay;

(2) the woman has not made attempts to leave—when batterers locate and threaten them or their children; when restraining orders are not enforced; when abusers force their return;

(3) the woman has not left—when half or more leave only to be stalked and harassed;

(4) leaving stops the violence—when separation often escalates the violence.

Women who leave are at substantially higher risk of being killed by their abusers than those who stay (Block and Christakos 1995; Hart 1988; Wilson and Daly 1992) and remain at increased risk for at least two years (Walker 1992).

CHERYL: I knew Norman would find me. He always found me. I don't know how it happened, because I'd go someplace and be a prisoner in that place because I wouldn't go outside. The last time I made it all the way to Arizona, Route 66. I was hiding in one of these little hotels, no phones in the hotel, no nothing. I was hoping he'd think I went on the main drags, not the tacky old ones. I took the cottage in the back, didn't use my real name. I'd just gone two buildings down to a little market. I came back and there he was, leaning against his car. But from that day, I lost it. I became a prisoner in my own home.

Actually, many women do leave and go on to healthy, satisfying relationships with non-abusive men. In fact, they leave at high rates. But for some women, staying with an abuser is a strategy for survival. The reality is that it is much easier to get into an abusive relationship than it is to get out of one.

■ Many factors, highly gendered in nature, interact to keep a woman in a relationship with an abusive mate, despite the likelihood that the violence will increase in frequency and severity over time. Women are socialized to invest themselves in their relationships and taught to derive their identities from them. Many believe or hope that abusive partners can or will change. A battered woman may view her abusive partner as "sick" and dependent on her for survival. Romantic ideology that insists, "the course of true love never runs smooth" and "true love conquers all" socializes women to "stick it out" and "stand by her man" at their own peril. Abusive events occur at intervals around otherwise ordinary interactions and the emotional attachment a woman feels for her partner can be difficult to overcome. Religious ideologies frequently elevate the institution of marriage above the safety of women, often leaving victims with the idea that they must choose either their faith or their lives and safety. Refuges and safe houses provide vital support services for battered women and their children, but they have not been able to keep up with the need. Women with children may stay out of fear of losing custody of their children, either in the divorce settlement or through later kidnapping by the man. In general, the batterer maintains sole control over family finances restricting his partner's access to funds that could enable her to leave. The woman often fears for the economic well-being of her children if she leaves. Fear of retaliation, based on the batterer's history and his threats against her, the children, and/or family and friends, causes many women to remain in abusive relationships. In addition, researchers and practitioners cite the lack of help given to battered women by the police and other criminal justice

representatives among the factors that keep women trapped in abusive relationships. Some societies condone men's use of physical force to control their partner's behavior.

Despite these complex multiple forces that make it so difficult for abused women to leave, "those who are battered and who remain in battering relationships are regarded as more pathological, more deeply troubled, than the men who batter them" (Schneider 2000, p. 23).

ROSEMARY: I had surgery to repair damage and the pain I'd been living with from his assaults. It was a matter of, "Well, how do we know you didn't do this to yourself?" I think about it now and I'm like, if the [police] scenario and their opinion was, "You expect us to believe that this man could go to work and function at work and yet come home and be an animal?" I'm like, "Yeah." Then they turn around and, "How do we know you didn't do this to yourself?". So it's impossible to believe that he can do this but it's okay to think I could be so sick?

III. The Gendered Legal System

Historically, religion, law, traditional family structure, the economy, and other social institutions routinely supported the authority of men over women. Under British common law, if a man killed his wife his action was classified as a homicide; if a woman killed her husband her action was classified as an act of treason and she would be drawn and burned alive. American law, directly influenced by British legal tradition, supported a husband's right to discipline his wife. In the mid-19th century, courts found acceptable "moderate" forms of wife assault, declaring only the more serious forms illegal. 20th century reforms revoked the right of an American husband to beat his wife, but the domestic curtain remains intact. For example, while many batterers rape their female partners, often causing serious physical and psychological damage², defining rape within marriage as a crime continues to be controversial. Currently, in 30 states, there are still some exemptions given to husbands from rape prosecution, evidence that the majority of states view rape in marriage as a lesser crime than other forms of rape.

ROSEMARY: The sexual abuse didn't start until the last two years. He had a video machine. He had started getting into the triple X-rated movies. He wanted reenactments. If they weren't done to perfection, it was punishment. The sexual abuse got worse and worse. He started using foreign objects. He used a gun on me rectally. A loaded gun. The night he died he ripped the nightgown off of me then and started raping me, with the handgun, again. He beat me with the butt end of the gun before he used it on me. He called me names, dirty names... I wished I was dead. I remember begging him to pull the trigger so I wouldn't have to suffer anymore. He said that was too easy. Told me it was too easy.

Gender-biased ideology results in a pattern of victim-blaming when a man assaults his female intimate. Abused women encounter a seemingly no-win situation:

RUTH: The police, every time I called them, they were usually there about 30 minutes or so, but by the time they left, they had me believing I had done something to him to cause it.

JOYCE: How many times did I call? Hundreds. How many times did someone show up? If it was women officers on, more. If it was men officers, they'd come an hour, two hours later. Maybe half the times I called, they showed up. Maybe they took him from the home four, three times.... He'd just tried to shoot me earlier... in the afternoon. I called the police. "What do you want us to do, lady? It's his house. We can't get him out."

² Physical effects of marital rape include: bruising, vaginal and anal injuries, broken bones, knife wounds, burns, miscarriages, sexually transmitted diseases; psychological effects include: depression, intense fear, suicidal ideation, post-traumatic stress disorder, eating and sleeping disorders, and sexual dysfunction (Bergen 1999).

Despite current reforms, even when particular acts are defined as illegal and even when policies call for particular responses, there is no guarantee that law enforcement personnel will implement those laws or consistently follow departmental policies.

Studies show that many who enforce the law hold the same stereotypical views³ as the general public about battered women and family disputes, stereotypes which undermine police effectiveness in dealing with both batterer and victim. An additional disturbing factor is noted by the National Center for Women & Policing (2001): up to 40 percent of American police officer families may be experiencing domestic violence, a rate four times higher than the general population.

LAURA: When everything starting getting really bad we were living on the base. Unfortunately he was the police. He was a military policeman.

BRENDA: I weighed 80 pounds. He was six foot four and 250 pounds. He was a policeman.... I filed 46 different complaints from his assaults and got a restraining order. The neighbors heard me screaming and called the police. When they arrived, Robert went out to meet them, shook hands, talked. He knew them all from work. After that the police just left.

Battered women not only encounter law enforcement who are reluctant to arrest their attackers, they also confront an increased risk of being arrested themselves if they use physical force to defend themselves. Another growing trend further jeopardizes women's help-seeking actions—women victimized by intimates have found themselves charged with failing to protect their children, even their fetuses, from exposure to domestic violence. Historically, prosecutors have not been known for their aggressive pursuit of domestic violence offenders and these patterns from the past routinely resurface. Prosecution rates vary widely by jurisdiction and where practice does not support criminal justice intervention, the rate of prosecution has been low. Aggressive prosecution policies are being adopted by many jurisdictions, yet, in practice, that may not always work in favor of victims—in some districts, a woman who refuses to testify against her partner may be charged with contempt of court and incarcerated.

In many jurisdictions, whether or not to file charges against the batterer is left in the hands of the victim, rather than prosecutors, thus leaving her at increased risk of harm. Making the woman responsible for the batterer's prosecution encourages him to place all the blame for his legal problems on her rather than on his own actions. Prosecution rates are high in jurisdictions where prosecutors pay special attention to battering cases, and the vast majority of injured parties cooperate in the pursuit of prosecution. Furthermore, as Zorza (1997) points out, the same prosecutors who have refused to go forward without a victim's cooperation when she is alive have no problem prosecuting her abuse without her assistance after the abuser has killed her. (P. 7)

Research on courtroom gender bias shows that the judiciary systematically minimizes the violent behavior of men against their female intimates and often blames women for their victimization. The Judicial Council of California survey of 425 judges found that nearly half believed many domestic violence allegations are exaggerated and some expressed actual antagonism towards victims of domestic violence. Recent reforms notwithstanding, women beaten and terrorized by male intimates systematically have been and continue to be disadvantaged and routinely left to their own devices for self-rescue. When the levels of violence and coercive control have gone beyond endurance, when attempts to end the relationship have resulted in stalking, forced return, death threats, and near-lethal assaults, when the legal system has failed to protect her, a woman may become convinced that her death is certain. She may see no possible way of escape from the terror and conclude that only death will end the relationship. In such cases, intimate partner homicide may be the culmination of an

³ Common stereotypes include: battered women could leave abusive relationships if they wanted to; women provoke the attack and probably deserve to be hit; women will drop charges against their abusers; domestic violence is a private problem not a criminal issue and is not as serious as violence outside the home; domestic violence is a way of life for some people; the man is the sole head of the household and the wife should obey him.

escalating trajectory of domestic violence. Battering is the most frequently recurring antecedent to homicide by intimate partners.

IV. Gendered Homicide

Spousal homicide studies consistently show striking gender differences in circumstances and outcomes. Men tend to be the aggressors in homicide cases even when the ultimate offenders are women; when males are the offenders, their actions tend to be much more violent and brutal. Steffensmeier and Allan (1998) summarize:

Wives are far more likely to have been [spousal] victims, and turn to murder only when in mortal fear, after exhausting all their alternatives. Husbands who murder wives, however, have rarely been in fear for their lives. Rather, they are more likely to be motivated by rage at suspected infidelity, and the murder often culminates a period of prolonged abuse of their wives. Some patterns of

wife killing are almost never found when wives kill husbands: murder-suicides, family massacres, and stalking. (P. 22)

The very legal system that largely failed to respond to their cries for help zealously prosecutes battered women who kill, despite their lack of criminal histories. Rarely receiving leniency or compassion, American women who kill abusive partners routinely are charged with murder or manslaughter and plead self-defense. Most, up to 80 percent, are convicted or accept a plea, and many receive long, harsh sentences. In my study of 42 convicted survivors, only two received determinate sentences; the remaining sentences range from 7-to-life to 35-to-life, while six women received life without parole; this was the first violent offense for all.

CAROLINE: I kept telling [the public defender] about the abuse. I kept telling him about the cops coming out to the house and he says, "Well, I could subpoena those records but for every record I could subpoena, for everybody that you tell me that I can call, they'll just have somebody else to say it. I don't think we can do anything here. The only hope I can see for you is either the death penalty or life without parole unless you take a plea bargain."

ROSEMARY: I was never offered a plea bargain. It was always life without or the death penalty.

Stanko (2001, Pp. 15, 16, 17) explains,

Female criminals...are [seen as] dangerous *because* the crime they commit is proof of their ability to step beyond what is considered to be the ordinary range of behavior of "real" women.... [They] are treated as dangerous because they endanger thinking about women's passivity.... [M]ale lawbreakers or deviants are only acting like real men. (Emphasis in original)

Battered wives who kill are at a particular disadvantage before the bench if, like most married partners, the couple carried life insurance—she is charged with killing for "financial gain." Women are punished severely for using a weapon against so-called defenseless husbands or boyfriends. Repeatedly, batterers use their hands, fists, and feet; they choke, smother, and stomp their victims. A weapon may be her only recourse to protect herself from the lethal assault, yet the laws of self-defense consider that to be "excessive force," systematically leaving women at a disadvantage. Male-defined laws of self-defense are based largely on assumptions that apply best to situations of adult males fighting adult males. Experts note, "The requirements of immediate danger, necessary force, reasonable belief and the duty to retreat present almost insurmountable barriers to a self-defense claim in the wife-battery situation" (Wilson 1993, p. 50).

Along with the problematic self-defense paradigm, a number of factors combine to complicate the legal outcomes of what some term "homicidal self-help". Often juries never hear of the pattern of escalating violence as abusive men refuse to let their partners leave or end the relationship. Exculpatory information fails to enter the adjudication process due to the actions of defense attorneys, prosecutors,

and judges, as well as the law itself. These legal actors often accept cultural myths and stereotypes about battered women. The predominance of males in these professions can present an insurmountable barrier for women who struggle to explain their deadly actions.

SUSAN: I couldn't talk to the lawyer or the police about the rapes and the sexual abuse because they were all males. Maybe if there had been a woman to talk to...

Expert testimony on battering and its effects has now been admitted in all 50 states and the District of Columbia, although considerable variation among and within states remains. Frequently, expert testimony involves the use of the "battered women syndrome (BWS)," a sub-category of Post Traumatic Stress Disorder. All too often, however, this legal strategy has functioned as reinforcement for old stereotypes of female incapacity and passivity rather than explaining homicide as a woman's necessary choice to save her own life. Courts have found BWS testimony irrelevant on the grounds that the particular battered woman at trial did not fit all aspects of the syndrome. Problematically, the term "syndrome," implies an illness or disorder; thus the woman's behavior is psychopathologized—behavior that is quite reasonable in the context of her particular situation.

Many battered women defendants who remain in American jails awaiting and undergoing the adjudication of their cases encounter an additional and unexpected stumbling block that silences them—the misuse or overuse of psychotropic medications. Under the rubric of "treatment," yet without medical or psychological evaluations, female inmates are routinely drugged with medications such as Elavil, Sinequan, Desyrel, Vivactil, Haldol, Mellaril, Stelazine, Lithium, and Thorazine.

JODY: 11 months of being on Sinequan, and during the trial I took Mellaril four times a day. I fell asleep seven times during the trial.

MARJORIE: You're not comprehending, you're not real aware of what's going on. I'm not in la-la land but I was just mellow, you know, and I didn't know what was going on. I never realized what the seriousness was.

PAT: During the trial I was on both a tranquilizer and an anti-depressant. I was not able to testify well—I was a zombie. They said I was cold and remorseless, not showing any emotion. I'm articulate—a college graduate with a graduate degree—the meds made me inarticulate.

When medications cause muddled thinking, forgetfulness, excessive sleepiness, and flattened affect, a woman's right to present a full self-defense is seriously jeopardized and her civil and human rights are violated. Systematically, the battered woman's defendant's voice, once silenced by her batterer, is silenced by legal strategies and judicial decisions, and silenced by the mood-altering drugs dispensed in jail.

V. Gendered Corrections

Convicted survivors arrive at state prisons dazed, terrified, and some have the added burden of sudden withdrawal from psychiatric medications. They are patted down and their bodies searched by predominantly male correctional officers. While this can be humiliating and traumatic for any woman, it may generate flashbacks and severely retraumatize battered women.

HENRIETTA: I'll never forget when I came through these gates and that doors lammed. It was like, "I'm never going to get out of here again and I'll never see my baby again." I'll never forget when I was booked in, they made us strip down. There's men officers walking all over. Stripped down, making us bend over and cough. Putting some lice stuff on us or something. Making us take showers. Talking to us like we were nothing, like we're animals. I'll never forget that. These officers just talk to you like you're

nothing. That's very humiliating what they did to me. They still do the same things to you. The men officers sit like in the back while the girls are stripping and stuff.

The increasingly punitive nature of the criminal justice system reduces the likelihood of release for convicted battered women with indeterminate sentences. Legislation designed to keep violent male felons behind bars for longer periods of time inadvertently and unfairly nets these one-time, situational women offenders. When convicted survivors appear before predominantly male parole boards, at best, it seems to many like an exercise in futility—at worst, a re-play of the battering relationship. Typically, parole board hearings simply rehash their trials and plea bargains. During one of Ellen's parole hearings, a Commissioner stated, "So, you let this man abuse you for 16 years, then you manipulated your teenage son into killing his father so you could collect the life insurance!"

ELLEN: What's it like at Board? Like I am a pile of shit. You get talked to like you're an animal. You have no feelings, you're a cold-blooded murderer. To hear them talkin' I'm worse than Charlie Manson and the whole Family, the Hillside Strangler and Son of Sam, all rolled into one. [After that] your guts are chewed up, you have nightmares, you have flashbacks, your insides are just in total turmoil, it takes you a month or longer to get anything, you know, back in normalcy without just spacing out. All kinds of horrid, horrid memories are back in your life, you're talked down to, you're abused. Don't ever say or think that they are not abusive, they are trained in abuse! It's horrible. They act like you have no feelings, you just literally set out to be the most horrid person in the world. They treat you like you're stupid. They treat you like you have no feelings, emotions, common sense, or anything else. You are everything that your husband told you, plus some.

Board members routinely dismiss a woman's attempt to add to the record any newly recalled information or newly gained insights to her situation. Prison psychiatrists, predominantly male, conduct psychiatric evaluations on prisoners and prepare a report for the parole board's review. A woman who has endured years of coercive control at the hands of a male partner is likely to find it difficult to discuss intimate traumatic experiences with male authority figures, psychiatrists and parole commissioners alike. She may find it especially difficult to express herself freely and clearly when scrutinized by a particularly stern or authoritarian male.

GLENDA: I had no problem with my first evaluation done by [the psychologist]. She knew me. [It was] a good evaluation. Later when [the governor] got tough on lifers paroling, only psychiatrists could do evaluations. He *interrogated* me. There is no other word for it. He would cut me off as I was trying to express myself. I stumbled over my words. I had a hard time following him and he couldn't follow me. I found him to be arrogant and very intimidating. I feel I was not quoted accurately and some of the things he says, he didn't even ask me. Some of the women have complained that the interviews should be taped because the women are not being quoted accurately.

VI. Conclusion and Recommendations

In the beginning, when Prince Charming becomes Marquis de Sade, women believe in and seek help from whatever social systems are available to them—family, the law, religious resources, friends, mental health practitioners, etc. These systems, in the end, fail many women and their children, resulting in futile self-help and escape attempts. As a result, some women die and some women cause their abusers to die. When women use deadly self-defense, women who have been attacked and terrorized by male partners, they find it difficult or impossible to discuss the painful, traumatic, and humiliating details of intimate assault with male police officers, male attorneys, and male psychologists, regardless of the men's sensitivity levels. While female victims are well aware of the gendered character of physical and sexual battering, many lawyers and investigators fail to adjust their approach to better fit the experiences of women. As a result, potentially exculpatory information is not investigated, crucial evidence remains unused, and women are left with no real defense. In some cases, an attack on the

personal character of a woman defendant or her immaterial, past behavior overwhelms even ample evidence of abuse.

Some accused women take the offered plea bargains to protect their children, to spare their families, to avoid the death penalty threatened by prosecutors, or to speed up what they see as the inevitable guilty verdict. Other women go to trial because they believe in the fairness of the system, because they are ready to fight for themselves, because they feel they have nothing to lose, or because they follow a lawyers' instructions.

Despite the relationship between domestic violence and spousal homicide, criminal justice representatives routinely decontextualize intimate homicides. Systematically, investigators, attorneys, and judges disconnect the woman's deadly action from the batterer's ongoing, escalating violence and threats. Prosecutorial and defense strategies and judicial decisions prevent women from presenting their full stories and deny them the opportunity to offer evidence in support their claims of self-defense. The adjudication process for convicted survivors produces incomplete, distorted, or confusing pictures of events. Repeatedly, battered women encounter a pattern of gender insensitivity and gender bias in the responses of authorities and institutions. While the past three decades have seen improvements in services for victims of domestic violence, the need for further changes in public policies and attitudes that act upon private lives is clear.

- ♦ **Gender:** ongoing gender-sensitive, domestic violence education is recommended for all representatives of the criminal justice system. All jurisdictions need specially trained units, generously staffed with females, comprised of officers, counselor-advocates, and prosecutors to handle domestic violence cases. Similar relevant resources need to be available for battered women charged in the death of their abusers.
- ♦ **Domestic violence arrest and prosecution:** law enforcement should arrest all abusers not acting in self-defense. When implemented by well-trained personnel in a coordinated effort, mandatory arrest, aggressive prosecution, and increased penalties for batterers grant women greater freedom from abuse and retaliation while holding abusers accountable for their behavior.
- ♦ **Medical reporting:** medical and nursing schools must prepare future health care professionals to respond to victims of domestic violence, not merely stitch up their wounds. Mandated reporting of abuse in medical settings is recommended. All medical personnel should have ongoing domestic violence education and learn to use protocols to identify and treat the physical and emotional consequences of intimate partner violence. Medical offices, clinics, and institutions should have brochures and pamphlets clearly displayed and readily available to the public as well as to their clients.
- ♦ **Resources/services:** more refuges with expanded resources must be established and linked to transitional housing programs and out-of state placement where needed. Public assistance programs must take into account the immediate and long-term needs of abuse victims and work toward women's economic autonomy. Enhanced job skills and job placement are essential for long-term solutions for women and their children. Faith communities need to provide material as well as spiritual support for domestic violence survivors in their congregations and to address the issue publicly. States should help women who leave abusers to protect the confidentiality of their new addresses by granting substitute or false addresses for mail and all public purposes.
- ♦ **Orders of protection:** procedures for obtaining orders of protection need to be simplified and standardized, fees lowered or waived, and accessibility facilitated. Any female who seeks a restraining order against a current or former intimate should be provided with information on battering relationships, safety plans, and shelters along with referrals to counseling and legal services. Automatic arrest is the appropriate first response to any violation of a restraining order, followed by strict judicial sanctioning.
- ♦ **Homicide prosecution: when severe abuse precipitates deadly self-defense, prosecutors need to differentiate career criminals from one-time situational offenders who pose no danger to society. If the prosecutor pushes the case forward, manslaughter is the charge that best fits the battered woman's experience, rather than the widespread**

first- and second-degree murder indictments. All officers of the court should be required to attend in-depth, continuing education programs on domestic violence as a follow-up to mandatory law school courses on the subject. Juries need to be better educated on the dynamics and consequences of ongoing abuse through the use of expert testimony and they need to hear all available exculpatory evidence and testimony. Jury instructions must allow jurors to consider the lethality of male violence. Further, battered women held responsible for the death of abusive partners should be exempt from the death penalty.

- ♦ **Legal assistance: female advocates, lay or professional, with knowledge and experience in domestic violence and spousal killing need to be assigned to each battered woman homicide case to assist the traumatized woman as she negotiates the confusing and intimidating adversarial system of criminal justice. Advocates can assist women defendants to construct a complete history of abuse and explain the unfolding process of adjudication, serving legal as well as therapeutic objectives. Advocates can contribute to the accused woman's understanding of her legal options and rights, such as being informed on plea negotiations and the right to refuse pharmaceutical treatment.**
- ♦ **Alternatives to jail: a battered woman defendant should be released on her own recognizance so that she can provide financially for herself and maintain her household throughout the adjudication process. Otherwise, she and her children could be housed in the secure therapeutic environment of a battered woman's shelter where she and her children would receive counseling for what they have endured. The use of psychotropic medications on battered women defendants without proper medical and psychological evaluations is a serious human rights violation and must be discontinued.**
- ♦ **Community-based corrections:** convicted survivors should be placed in community-based programs that allow women to support themselves and permit mothers to live with their children. This move would save millions of correctional dollars as well as millions of social service dollars spent to address the needs of children with mothers in prison.
- ♦ **Post-trial assistance:** battered women who kill should be deemed eligible for parole and released. The institutionalized sexism as seen in sentencing and parole practices must be unmasked and discontinued. The possibility of retrials or early release for women imprisoned for killing their batterers needs exploration. Women serving life without parole must be allowed the opportunity for release. Executions of women on death row must cease and their cases must be revisited to explore what role domestic violence may have played in the homicide. While incarcerated, convicted survivors should be permitted, even encouraged, to organize themselves in support groups for education, growth, advocacy, and self-esteem. All correctional institutions should facilitate the formation of and support such groups. Further, advocacy groups for battered women convicted of homicide are needed to address issues of parole, resentencing, and clemency. We were and remain good mothers, daughters and grandmothers who were trapped in a desperate situation. To understand us one must understand the key words, FEAR, THREATS, CONTROL, ISOLATION, EMOTIONAL AND PHYSICAL ABUSE, all of which are directed not only toward ourselves, but our loved ones... As long as one single battered woman, who did not receive a full and fair trial, remains in prison, the law has failed all who seek justice.

The eloquent and poignant voices of incarcerated women survivors give us unique insights, not only concerning cases of battered women who kill to save their lives. The brutality, humiliation, and terror inflicted upon them by violent male intimates echo the experiences of the many women who die each year at the hands of men who say, "If I can't have you, nobody can." In essence, they are the voice of all the women who do not survive that final violent assault.

REFERENCES

- Schneider, Elizabeth M. 2000. *Battered Women and Feminist Lawmaking*. New Haven, CT: Yale University Press.
- Stanko, Elizabeth A. 2001. "Women, Danger, and Criminology." In Claire Renzetti and Lynne Goodstein, eds., *Women, Crime, and Criminal Justice*. Los Angeles: Roxbury.
- Steffensmeier, Darrell and Emilie Allan. 1998. "The Nature of Female Offending: Patterns and Explanation." In Ruth T. Zaplin, ed., *Female Offenders: Critical Perspectives and Effective Interventions*. Gaithersburg, MD: Aspen.
- Wilson, Margo and Martin Daly. 1992. "Till Death Us Do Part." In Jill Radford and Diana E. H. Russell, eds., *Femicide*. New York: Twayne.
- Wilson, Nanci Koser. 1993. "Gendered Interaction in Criminal Homicide." In Anna Victoria Wilson, ed., *Homicide: The Victim-Offender Connection*. Cincinnati, OH: Anderson.
- Zorza, Joan. 1997. "Battered Women Behave Like Other Threatened Victims." *Focus: Los Angeles County Domestic Violence Council News Quarterly* 3 (2):7.