BATTERED (M)OTHERS SYNDROME: MOTHERS WHO KILL THEIR BATTERERS AND THE CHILDREN WHO ARE LEFT BEHIND

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To the Dean of the Graduate School:

I am submitting herewith a thesis written by Rachael Ann Federico entitled "Battered (M)others Syndrome: Mothers Who Kill Their Batterers and the Children Who Are Left Behind." I have examined this thesis for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Arts with a major in Women's Studies.

Linda Marshall
Dr. Linda Marshall, Major Professor

We have read this thesis and recommend its acceptance:

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Accepted:

Jennifer Martin
Dean of the Graduate School

DEDICATION

To Stephanie S.,
I thank you for your courage and for your friendship.

And, to all incarcerated battered women and your children,
I humbly offer this work.

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ABSTRACT
RACHAEL ANN FEDERICO

BATTERED (M)OTHERS SYNDROME: MOTHERS WHO KILL THEIR BATTERERS AND THE CHILDREN WHO ARE LEFT BEHIND

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I examine the intersection of identities of women who kill their batterers in self-defense, as both mothers and as victims. Many scholars discuss women's use of lethal force as a result of battering; however, many of these women's narratives strongly suggest that they acted not solely for protection of their own lives, but for their children. My research interrogates the significance of intersecting identities, and what happens to women and their children during periods of incarceration subsequent to a murder conviction in these cases. I will discuss why the legal system fails to account for women's use of lethal force as self-defense, given its male-oriented historical framework that excludes a consideration of a battered mother's identity. Finally, I argue that the relationship between children and their mothers is perilously fragmented, creating compounded traumatic experiences. Children exposed to abuse become silent witnesses, vastly untreated by scholarship in this area of study.

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CHAPTER I

INTRODUCTION

> I was only eight years old that summer, and I always seemed to be in the way . . . Well, word gets around, in a small, small town; they said he was a dangerous man./ But Mama was proud, and she stood her ground. She knew she was on the losing end./ Some folks whispered, some folks talked, but everybody looked the other way./ When time ran out, there was no one about, on Independence Day . . . Well, she lit up the sky, that Fourth of July, by the time that the firemen had come./ They just put out the flames and took down some names, and sent me to the county home./ Now, I ain't saying it's right or it's wrong, but maybe it's the only way./ Talk about your revolution, it's Independence Day. –Martina McBride

The song lyrics, above, from country superstar Martina McBride's "Independence Day" were a top-twenty hit on music charts in 1994. While drawing vital attention to the battered-women's movement, the song also stirred up controversy regarding the implied killing of a batterer and the apparent support for such drastic recourse. Indeed, the music video for the song portrays a powerful symbol—the American flag—draped behind McBride. These shots are alternated with views of McBride singing as she stands in front of the family's house burning to the ground. Yet, while individuals debated ideas such as the justification of the woman's act and the notion of revolution, the only apparent witness to the events, the young narrator, was neglected. In fact, her relationship to her battered mother is fragmented by the camera's angles, even though the lyrics powerfully imply a meaningful—if not traumatic—connection between mother and daughter. Significantly, the lyrics' narrator is an eight-year-old girl who bears witness to the outcome of the abuse against her mother. She testifies to the violence, in the opening of

the song, explaining simply, "Daddy left the proof on her [mother's] cheek." The music video embellishes on this description, cutting to scenes of the narrator's mother being shaken, slapped, pushed, and knocked to the ground by the batterer as he proceeds to hover over her body while continuing to hit and shake her head. However, during these points of the song, images of the narrator are absent, obscuring the fact that the young child was most likely exposed to abuse.

Furthermore, these frightening images provided a context in which individuals could discuss the outcome of the violence in the song; however, they do so at the expense of the narrator's voice, and with a notable fragmentation of the mother-daughter relationship. What individuals seemed to miss during the sensationalized course of the song was the second set of victimization that occurred after "the firemen had come." The music video depicts the narrator running through the ash-laden yard, before she is carried to a police squad car by one of the rescue workers and driven away "to the county home." However, the music video significantly silences her; viewers must read the child's lips in order to understand that she is calling for her mother. In this way, the connection between the narrator's identity as both a battered woman and a mother is disjointed and silenced. Although both individuals undergo trauma stemming from the same event, their narratives are treated as distinctly separate without intersection.

Although the narrator in the music video is passionately crying and screaming throughout this experience, she is not audible because the song lyrics, exclusively, play on top of the visual images. In this way, the song portrays a doubled sense of trauma and victimization for the silent child: first as one who bears witness to abuse, and then as she

silently becomes a ward of the state. In conjunction with the child's victimization, the mother's loss of her child is utterly absent; her mothering role is not discussed or depicted. It is unclear if the mother and daughter ever see one another again—a salient question that is silenced by many scholars' treatment of the topic. The final image of the narrator in the music video depicts her hanging halfway out the police officer's car window as she is driven away, on Independence Day.

The doubled trauma evident in the video is not a phenomenon particular to this song, or to events specific to the 1990s. Nonetheless, the outcomes for children under circumstances in which a mother kills her batterer are not well-documented or discussed in academic literature. In fact, landmark texts such as *Terrifying Love: Why Battered Women Kill and How Society Responds* by Lenore E. Walker and *When Battered Women Kill* by Angela Browne offer voice and context for chilling narratives of abuse leading up to battered women's use of lethal force against their abusers. These texts formed the crux of future scholarship on Battered Women's Syndrome as well as opening the door to feminist legal theory to examine the outcomes for women who killed their batterers. It is evident in these author's texts that women often act as a result of their roles as both battered women and battered mothers. However, similar to McBride's song, children in these cases were passive and ephemeral pieces of the dialogue used only to describe the context leading up to women's use of lethal force. In other words, the depiction of the narrator in McBride's music video—the silent child—is reproduced by scholars who are silent about the child(ren) of women who kill their batterers. Most importantly, the children are swept away by a social welfare system that does not address their

relationship to their mothers, opening the proverbial door to being victimized a second time.

While authors such as Walker and Browne nod their heads at the importance of children's presence, there is little indication of what happened to them during and after the court cases. Nor has there been any recent literature attempting to answer questions such as "What happened to these children as they grew up?" "Where are these children now that they are adults?" and "How did the roles of motherhood and victimhood affect the choices and actions of these children's mothers?" It is clear that research into this area has fragmented these children's relationship with their mothers, exposing them to another kind of social violence. As I will argue, it is imperative that future scholarship look more deeply at women who kill their batterers. Many of these women are not only the victims of violence, nor are their acts solely the result of learned helplessness. Instead, I believe that they can be better understood and aided through a context of action and identity that includes a poignant interplay between motherhood and victimhood. According to specific narratives within landmark texts, these women often act not for the protection of their own bodies, but rather for their children's lives.

In this paper, I will assert that scholarship misses an important intersection between motherhood and victimhood, thereby fragmenting the holistic context for women's actions. As a result of this disjointed formation of women's and children's exposure to violence and trauma, I will also maintain that the current breadth of scholarship regarding women who kill their batterers often fails to consider children as secondary victims of crimes, at their probable peril. A consideration of children's trauma

may provide further contextual defense for women in these cases via attention to the important intersections of social identities as both mothers and victims. I will respond to the questions, "What is the significance of women's identities as both mothers and victims of intimate partner violence when they kill their abusive partners?" "What happens to this intersection of identity for women and their children during periods of incarceration subsequent to a murder conviction in these cases?" and "How has the silencing of children's testimonies increased the sense of disjointedness in examining these specific cases?" I assert that the treatment of the topic by scholars has led to a fragmented treatment of the subject in which women and children's trauma are discussed independently of one another, in spite of the important link between women as both victims of intimate partner violence and as mothers of children they often seek to protect.

CHAPTER II

MOST OF THEM ARE MOTHERS: INTERSECTIONS OF MOTHERHOOD AND VICTIMHOOD OF WOMEN WHO KILL THEIR BATTERERS

Scholars' conversations about battering are fraught with perplexing accounts of legally-sanctioned discrimination against Intimate Partner Violence (IPV) victims. For example, eight states--Idaho, Mississippi, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota and Wyoming--currently do not have legislation preventing insurance companies from considering battering as a pre-existing medical condition (Grim). Perhaps more perniciously, a lack of protection may discourage women from reporting abuse for fear that they will be dropped by their insurance providers. While one would assume that these legal loopholes would quickly be closed in the spirit of equity, these states have each excused themselves from the issue by paradoxically begging the question. Representatives of the states' and insurance providers' positions maintain that no complaints for this specific problem have been filed and/or no such discrimination has actually occurred (Grim).[1]

Discrimination becomes more egregious for women who are battered and then commit homicide in an attempt to protect their lives, and oftentimes the lives of their

[1] For example, according to Grim's report, Mississippi Insurance Commissioner Mike Chaney's spokeswoman stated, that Mississippi does not in fact have legislation prohibiting "insurance companies from considering domestic violence as a pre-existing condition. However, the reason there is not such a law is that there has not been a problem with insurance companies denying coverage or refusing to pay the claims of domestic violence victims in this state. If it were an issue, the Legislature and the Department would have addressed it by now."

child(ren). In 1989, The National Coalition Against Domestic Violence released the startling statistic that "[t]he average prison sentence of men who kill their women partners is 2 to 6 years, while women who kill their partners are sentenced on average to 15 years" in prison.[2] In 1993, Sarah Buel, a renowned legal expert, survivor of IPV, and collaborator in the award-winning documentary film *Defending Our Lives*, emphasized that women who kill their batterers have higher initial bails, longer detentions, and higher sentences "than any other kind of defendant." Buel's law review article, "Effective Assistance of Counsel for Battered Women Defendants: A Normative Construct," nuances this distinction, by revealing how women of color and poor women often "receive the most severe sentences" and unethical forms of legal representation (231). Several other scholars have also found unduly harsh sentencing in women's cases, especially as compared to men. For example, Dr. Elizabeth Ann Dermody Leonard's dissertation on the imprisonment of women who have killed their batterers found that "the overwhelming majority of [women's] cases received lengthy and indeterminate sentences" (71). In her study, 18 battered women were serving sentences with duration of seven and 20 years to life. She also notes that the two women with an indeterminate term of seven years to life had already served twenty or more years in prison, to the date of her copyrighted work (71). The Michigan Women's Justice and Clemency Project, a prestigious legal clinic situated at the University of Michigan at Ann Arbor, has also stated in their manual that average sentences for women who kill their intimate partners

[2] As presented on a "Fact Sheet on Battered Women in Prison" published by the Purple Berets, a radical feminist organization whose goal is to aid and seek justice for incarcerated battered women.

are more punitive than for men, especially given that women who kill their partners most often do so in self-defense.

These aforementioned claims have not been universally accepted, in particular by self-proclaimed "Men's Rights Groups," such as the Equal Justice Foundation.[3] Therefore, it is perhaps important to concede that these statistics have been called into question as a result of some sources of conflicting data, most prominently a study by the United States Justice Department published in 1997. Feminist legal scholar Wendy Keller's article, "Disparate Treatment of Spouse Murder Defendants," helps outline the debate surrounding the Justice Department's findings. Contrary to the claims of experts such as Buel, the Justice Department's study claims that women actually receive significantly shorter sentences for killing an intimate partner (six years versus sixteen and a half years for men). Nonetheless, Keller also explains that the data collection by the Justice Department fails to include "legally relevant variables . . . when average sentences for men and women were computed" (260). As a result, it is Keller's opinion that "the Justice Department's reports do not provide valid results showing men actually receive longer sentences because too many other variables have not been accounted for in the studies" (260). Nor are these statistics collected by the Justice Department consistent with similar past inquiries in the United Kingdom. The Crown Prosecution Service released data stating that while 25 percent of men are convicted on murder charges for

[3] Such groups (mis)use conflicting data in order to attempt to undercut feminist claims regarding women's relative inequality, as well as to cast men as equal victims to IPV. The dubious nature of these "foundations" includes homophobic and anti-feminist claims such as: "The safest place for a child is with their biological father," "The safest place for a woman is in her home married to the biological father of her children," and "Men and women are equally violent in domestic relationships" (ejfi.org/).

killing an intimate partner, women are convicted nearly 40 percent of the time (Longsdale and Ghazi). Dissertation research on women who kill published in 2003 by Belinda Morrissey also maintains that many men who kill their partners are treated far more leniently than women who have killed in Western courts, given conviction rates for these groups in countries such as the United Kingdom (69). Finally, individual accounts of more recent sentencing of women who have killed their batterers also remind us that severe sentences are not a resolved problem. As one well-publicized example, on May 10, 2004, Dixie Shanahan, a battered mother who had endured nineteen years of horrific abuse, was sentenced to 50 years in prison on conviction of second-degree murder charges for killing her husband in Defiance, Iowa (Goodmark 269).

According to prominent legal scholar Elizabeth Rapaport, women are also treated harsher than men who have committed the same kind of "domestic" murders when considering courts' implementation of the death penalty. For instance, she references a study in which "the percentage of intimacy murders among women on death row more equally represents the percentage of intimacy murders women committed; 65.5 percent of the female murder suspects killed intimates, and 49 percent of the women sentenced to death did so" (375). This statistic is in comparison to men cited in this study, of whom only 12 percent received death sentences, out of approximately 22 percent who had killed an intimate partner. Rapaport also unambiguously says that over the course of more than a decade, only approximately seven percent of "multiple murder suspects were female, again suggesting that one should not expect female death sentences to approach the 14 percent marker reflecting female involvement in murder of every category" (373).

Women, according to her research, are disproportionately affected by capital punishment when one considers the types of non-predatory crimes that women are most often convicted of committing.

Nor are women often offered an opportunity for clemency. According to the Michigan Women's Justice and Clemency Project manual, "only 104 women in 23 states have received clemency," including commuted sentences and pardons.[4] Sadly, as the manual points out, many of the women who are reviewed for clemency should never have been imprisoned. Nonetheless, this strategy has been employed by advocacy groups and legal clinics across the country, most notably during the 1990s, with limited success. The largest instance of this outreach was performed in December of 1990 by Ohio's governor, Richard Celeste, who "granted clemency to twenty-five women in prison for killing or assaulting their batterers" ("Clemency Manual"). The following February, Maryland governor William D. Schaefer commuted eight battered women's sentences (Rierden). Buel relates another relatively successful early history in Illinois, as well, in which Governors James Thompson and Jim Edgar granted clemency to a total of seventeen women over the course of three years; although, an equal number of cases were denied by Edgar (324). More recently, in December 2006, Florida Governor Jeb Bush commuted life sentences for two women who killed their batterers (Jennings).

Clemency for battered women who have killed their partners has remained rare, at least in part, as a result of ferocious antifeminist standpoints and disparagement of those

[4] A commutation does not absolve an individual from culpability. Instead, a commuted sentence imposes a less-strict punishment upon the condemned, such as release on parole. A pardon, on the other hand, "mitigates or sets aside punishment for a crime; it is used most often to restore the reputation and civil rights of someone who has led an exemplary life subsequent to punishment" (Krause 706).

who extend it. Governors Celeste and Schaefer were trenchantly and publically criticized from multiple angles. Some criminal-justice officials claimed, for example, that the men did not adequately research the cases before coming to their decisions (Rierden). Other critics more broadly claimed that any clemency appeals do not allow a proper separation of powers.[5] The most scathing criticism appealed to slippery slope rhetoric. Some prosecutors claimed that Governor Celeste's clemency for battered women who had killed would "induce more women to turn to violence" (Krause 725). Sadly, such harsh criticism helped to swiftly defeat well-formed and intensely researched efforts to achieve clemency in several other states. Texas proved to be one of the most frustratingly tragic failures during this period. The Texas state legislature passed an act and resolution to hasten the potential for clemency for incarcerated battered women. Subsequently, the State Board of Pardons and Paroles and the Texas Council on Family Violence eagerly responded to the resolution and reviewed approximately cases 40 that would meet the Act's criteria (Buel 325). It was both surprising and disappointing that none of the women were granted clemency, in spite of the fact that a woman (Democratic) governor, Ann Richards, was in political power and was about to vacate her office. Some advocates theorized that Richards did not want to invoke the harsh criticism that other governors like Celeste had faced. Even the most compelling cases of battered women who killed as defensive moves to save their lives, and/or the lives of their children, could not outweigh the potential that others would regard her as a leader who was "'being soft on crime'" (Jennings).

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[5] However, as legal scholar Joan Krause explains, "[C]lemency has long been accepted as a valid exercise of executive power" (704).

Therefore, it appears that many women continue to suffer punitive legal penalties from systemic gendered biases. At the same time, courts neglect to consider women's actions as a result of intersecting identities as mothers and as battered women. As I will argue, contextualizing women's acts within a framework that acknowledges women's perspectives as victims of acute violence as well as mothers who wish to preserve the lives of their children would quite potentially lend stronger support to understanding the use of lethal force as self-defense. It is vital for individuals to recognize the material effects of gendered identities, including but not limited to, women's roles as mothers.

One trend that has been extensively updated and discussed without refutation is the number of women who become the victims of homicide within the context of relationships. Annual statistics published by the Bureau of Justice demonstrate that well over 1,000 women are attacked and killed by an intimate partner each year, comprising approximately one-third of overall femicide cases; that is, gender-specific cases in which women become victims of homicide (Garcia, Soria, and Hurwitz 370) (United States). Independent scholarship, too, has found that 1,000 to 1,600 women are killed each year by male intimate partners "often after a long, escalating pattern of battering" (Websdale 27). A literature review regarding intimate partner homicide published in 2007 confirms that data compiled on intimate partner violence and homicide have consistently demonstrated that women are overwhelmingly the targets of violence and murder, as compared to men (Garcia, Soria, and Hurwitz). Femicide victims most often experience severe and repeated instances of physical battering and verbal abuse. In one study discussed in the above-cited literature review, over 80 percent of the victims "had been

physically abused by the perpetrator the year prior to the femicide, 23% were beaten while pregnant, and 72% had reported harassment and stalking" (378). Scholars have consistently acknowledged generalized behavioral and verbal trends leading up to a slaying. Trends such as these lead some scholars to conclude that many lives could have been saved given the predictability of escalating violence in many of these situations (Websdale 28).

Notably, patterns of battering mothers that escalate to femicide begin as early as women's pregnancies. It has been well-established that there is a connection between battering and childbearing; pregnancy is often correlated with batterers' increasing violence (Walker 136). However, the link between patterns of battering of mothers and femicide of pregnant women has not yet been established within academic literature. In December 2004, the *Washington Post* featured a shocking article on the front page of a Sunday edition. Donna St. George, a *Post* staff writer and author of the article, suggests that the United States has been utterly inattentive to a nationwide trend of homicides of pregnant women. In fact, her investigation revealed that thirteen states simply have not recorded (or even attempted to track) the number of pregnancy-associated killings. In regards to this startling trend, Texas Woman University's professor of nursing and well-published scholar Judith McFarlane stated, "You can't address a problem that we don't document. You can't reduce [the deaths]. You can't prevent them. In essence, they don't exist" (St. George). St. George's article provides evidence that research regarding such murders is difficult not only because the victims of the crimes can no longer offer testimony, but because relatively conclusive statistics simply revealing the number of

victims are non-existent. Additionally, although the media's sensationalization of the Laci Peterson case stirred changes in some states' legislation regarding penalties for the crimes, as St. George asserts, "little has been said about the larger convergence of pregnancy and homicide: how often it happens, why, and whether it is a fluke or a social syndrome." These gaps in current research regarding women, battering, pregnancy, and femicide may be placing many women at risk for the most morbid maternal outcomes. The small body of scholarship dealing directly with pregnancy-associated homicide reveals that researchers have not even established a well-developed link between IPV and femicides occurring during pregnancy.

Missing data regarding the relationships status between victims and perpetrators prevents scholars from thoroughly analyzing the likely correlation between battering and femicide of pregnant women. For as McFarlane, et al. discuss in their 2002 study of pregnancy-associated homicide, "If abuse during pregnancy is predictive of severe and potentially lethal abuse, pregnant women should be so advised. No published studies were identified that investigated the association of abuse during pregnancy and subsequent intimate partner femicide" (28). In fact, these researchers conducted the only published study, to date, specifically aimed towards establishing "a definite link between abuse during pregnancy and attempted/completed femicide" (27). Their results yielded an interesting statistical trend. Of the women who experienced an attempted murder and the women's cases that were analyzed posthumously, 26 percent and 23 percent were battered during pregnancy, respectively. Gaps notwithstanding, there seems to be an important connection between pregnancy and mothering and IPV-related homicide.

However, scholars evidently miss the intersectionality within women's identities as both mothers-to-be and as victims of IPV in spite of compelling evidence suggesting a rich contextualization of the crimes.

While the connection between motherhood, battering, and femicide remains fragmented, given the horrific pattern of femicides in the United States, it appears that women are the anticipated victims of brutal incidents of battering and the usual victims of homicide. Conversely, women are most generally not the perpetrators of severe episodes of violence against male partners, and even less likely to kill an intimate partner for reasons outside of self-defense.[6] Even considering cases in which women kill their batterers in self-defense, the overall number of these cases is relatively small, especially in comparison to the number of women who are victims of IPV each year. As Professor of Criminal Justice Albert R. Roberts eloquently illustrates, "Although national estimates indicate that between 2 million and 8 million women are battered each year by their partners, approximately 750 battered women kill their abusers each year" (50). Women are not expected to use lethal force to protect themselves; and when they do, they often face severe legal penalties and harsh criticism.

Yet, it is often difficult for individuals to imagine how the act of killing could be "justifiable." Prominent feminist legal theorist Elizabeth Schneider describes the way

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[6] I recognize the work done by scholars, such as Murray Straus, suggesting that men demonstrate comparable levels of IPV as compared to women (Straus 67). However, Straus' research has been subject to heavy critique by other scholars in the field (Kurtz 97). His work is vulnerable to the critique of being misleading because the research does not properly address differences between Common Couple Violence (CCV) and domestic terrorism, nor does it distinguish the degree of physical injury that the participants report (e.g. a shove is grouped with a broken bone). Furthermore, overwhelmingly, women are the primary clients of shelters and outreach organizations for victim/survivors (in spite of the availability of services to either sex), and women continue to sustain more serious injuries requiring medical treatment.

that "[c]ases of battered women who kill strike a national chord of anxiety about violent women, the 'abuse excuse,' and 'feminazi' vigilantism" (112). In the face of feminist scholars' explanations of women's self-defense measures, the most common question posed by critics is not "Why did the batterer terrorize and abuse?" or "What would have been the outcome if she did not kill?" but rather "Why didn't she leave?" To these ends, Cynthia Gillespie's influential text *Justifiable Homicide: Battered Women, Self-Defense, and the Law* asserts that prosecutors often focus on women's stories through a biased and discriminatory lens, "using every myth, stereotype, and misconception about battered women and domestic violence to convince the jury that she did not act in self-defense" (157). According to Gillespie, prosecutors will—often successfully—argue that if women had a truly reasonable fear for their lives, they would have committed murder during, rather than after a beating. Prosecutors will ask, "Why didn't she call the police? Why didn't she tell someone? Get help? Why didn't she leave? If she did leave, why did she go back to him again?" (157). Many feminist thinkers have expressed that these questions shift unwarranted blame onto women who never asked to be beaten and denigrated by their partners.

As an illustration of the inherent bias in this kind of questioning, renowned author Ann Jones's text *Next Time She'll Be Dead* describes the case of Karen Straw. Straw *did* in fact leave her batterer, Clifton Straw, in 1984 with her two children, and she *did* in fact seek police protection on multiple occasions. In spite of the separation, orders of protection, and multiple attempts to have him arrested for violating the orders, Straw continued to be stalked, harassed, and brutalized by her husband. The events came to a

head when "[i]n December 1986 he broke into her room, beat her, raped her at knifepoint in front of the children, and threatened to kill her. She got hold of a kitchen knife and stabbed him. She was charged with second degree murder, the heaviest charge the state could bring against her" (132). Although the severity of the violence against Straw and threats against her life should have provided an obvious and justifiable defense for her action, Jones points out that the public was far less than sympathetic even as Straw faced a possible conviction for murder with a penalty of life in prison. Interestingly, the line of reasoning used by critics not only failed to understand her identity as a battered victim/survivor but her position as a mother attempting to protect her children. It is evident that Straw fled with her children, who were apparently exposed to graphic violence, including a rape. Nonetheless, there is no discussion of Straw as a battered mother, thereby fragmenting parts of her identity and separating (and silencing) her children's trauma.

Furthermore, feminist authors and scholars have consistently pointed to the perniciousness underlying the question, "Why doesn't she just leave?" Implicit in this question is the assumption that women are in some sense culpable or complicit in the violence that is committed against them. Jones' text moves forward with a description of an illuminating interview conducted by anchorman Jim Jensen with Straw's attorney, a network news reporter, a woman formerly convicted of similar charges, and Jones. The course of the interview reveals the disconnection between what women continue to say about their cases and what society continues to want to hear. After presenting the details of Straw's experience, including an outline of the facts of the case, Jensen proceeded to

ask, "'Why would one murder her husband instead of just walking away?' . . . Clifton Straw's violence and terrorism disappeared in that puff of rhetoric, utterly overlooked. Vanished too was the public issue reporter [Bree] Walker had presented, magically replaced by the personal problem of another dumb woman" (135). Straw was thankfully acquitted, but her story illustrates the bias against women's testimonies. The issue at hand seems not be whether women do in fact leave or attempt to leave, but rather that the culture in the U.S. is plagued by misogynistic understandings of violence against women. Some critics writing on women who kill their batterers attempt to craftily frame the question as a matter of logical sensibility; they may state, for example, that "the reasonable thing for [a battered woman] to have done was to leave [the abuser], not kill him" (Caplan 40). However, as many scholars have demonstrated, these questions manipulate audiences into focusing blame on battered women's actions rather than looking at the circumstances surrounding women's agency. This oversight includes a discussion of motherhood. As Jones's anecdote so strongly identifies, there is an absence of earnest initiative to understand what led women to use lethal force as well as an absence of sympathy for the circumstances surrounding the event. Straw's experience as described by Jones is not unique, nor is it counter-intuitive that she feared for her life and for her children's safety.

Acclaimed feminist psychologist Carol Gilligan's text *In a Different Voice: Psychological Theory and Women's Development* provides a strong foundation for understanding how women's actions may be influenced by their gendered identities. Her text helps account for the lack of understanding and contextualization of women's

testimonies. Gilligan explains that women's perspectives are often different from men's perspectives (5). Interpretations of one's reality are contingent upon her/his observational position, and women's life-experiences, epistemologies, and socialization often have important nuances when compared to men's ways of thinking, knowing, and relating. Women's perspectives, according to Gilligan, often include a sense of connectedness to other people, as well as a different understanding of responsibility and caring. These differences also may translate into a unique relationship to their child(ren). Central to Gilligan's theory is the assertion that "women not only define themselves in a context of human relationship but also judge themselves in terms of their ability to care" (17). Women's perspectives and sense of identity are thus often shaped by their bond with others. Furthermore, women exhibit an over-arching tendency to respond via an ethic of care (160). This is not to say that men do not care about others, or that women and men do not share many overlapping perspectives. It is to say, however, that general trends in Gilligan's study illustrate many men demonstrating care in a different way, or at least through a different framework and observational position, as compared to many women.

The important distinction is demonstrated by her sample's discussion of responsibility to the self and to others. She writes, "While [Amy] places herself in relation to the world and chooses to help others [through her future occupation], [Jake] places the world in relation to himself as it defines his character, his position, and the quality of his life" (35). This nuanced way of thinking about and responding to others' needs and one's relationships signifies how imperative it is to discuss battered mothers'

narratives on their own terms, rather than through an androcentric lens. Attempting to view battered mothers through a male epistemology fails to understand how women may be thinking about or observing notions of responsibility, ethics, and care. Perhaps more importantly, it is important to recognize points of departure from which women's lived experience vary from men's. Battered mothers way of responding to others' needs, and their self-regard, indeed has significant nuances.[7] Yet, unfortunately for victims of IPV, and women who kill their batterers, women are judged upon a standard set forth through a male lens. While male perspectives are not inherently wrong, these positions have not historically included experiences as victims of IPV, or as mothers.

For battered mothers, the observer's position is a complex mediation between intersecting identities.[8] Accordingly, many battered mothers struggle with the tension between their relationships with their intimate partners and their relationships with their children. Gilligan argues that for women, "responsibility signifies response, an extension rather than a limitation of action. Thus it connotes an act of care rather than the restraint of aggression," as opposed to men's generally inverse perceptions (38). While Gilligan

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[7] It is important that the identity as "mother" or as "woman" not become a homogenized identity. I do not intend to impress upon readers that any identity category is monolithic, or that any individual will contain an essentialized version of being a "woman" or a "mother." However, Gilligan and others have pointed to broad trends that many individuals sharing these social identity categories seem to have in common. Given the material effects of courtroom decisions based on identities such as "mother" or "IPV victim," it can be helpful to look at these general trends as points of departure for contextualizing their actions and decisions.

[8] These intersections are not limited to the effects of victimhood and motherhood, but may also include the effects of other broader social identity categories such as race, class, (dis)abilty, and sexual orientation. Buel notes, for instance, that "A battered woman defendant's case outcome is not so much predicted on the specific facts of her situation as on whom she draws for a judge and counsel, as well as her race and socioeconomic status" (218). Buel's assertion is a clear indication of the important of also considering other aspects of identity in the outcomes of these cases. Given the paucity of information on battered women and mothers who kill their abusers, it is impossible to thoroughly analyze the effects of these aspects of identity as they relate to the scope of this paper. Nonetheless, there are clear indications that considering other aspects of identity is imperative when examining the outcomes of these cases.

does not discuss battered women and mothers, one might ask how her theory extends to these cases, especially in instances when battered mothers kill their abusers. Applying Gilligan's scholarship explains how battered mothers, such as the fictional mother depicted in McBride's song, indeed choose to respond protectively on behalf of their child(ren) above "the restraint of aggression" and violence. Many women may feel torn between loving and not wanting to hurt their partners and loving and not wanting their child(ren) to be hurt. In this way, motherhood informs and intercedes in many battered women's actions, just as much as their identities as victims of IPV.

Gilligan's theory also explains that women often make decisions differently than men, again, through a different observational position. She maintains that many women conceptualize their actions as choices that will have ramifications for others. She writes, "Responsibility for care then includes both self and other, and the injunction not to hurt, freed from conventional constraints, sustains the ideal of care while focusing on the reality of choice" (95). Applied to battered women and mothers, caring and protecting is central to women's ways of thinking and relating but are influenced by their experiences with violence. Particularly relevant here is the way that battered mothers' may expect their actions to affect their child(ren)'s lives. Despite the prevalent desire not to cause pain or hurt, Gilligan is clear that "the reality of choice" will have great bearing over women's expression of care and relationships. Arguably, the reality of victimhood, especially within a situation that threatens to be lethal, will shape battered women. Battered mothers seem more prone to use violence in order to uphold care and responsibility for the lives of their dependent(s). Ultimately, while these women's

narratives take many forms, an ethic of care and a sense of responsibility to their child(ren) is a strand that often runs central to their explanations. Through battered women's and mothers' observational perspectives, batterers are the ones who violate this standard of ethics. Batterers fail to protect those who they are supposed to love.

Given women's different perspectives, it is first important to contextualize many women's acts of violence within a broader scope of their lives. Situating the use of lethal force within a larger narrative yields a reasonable basis for their response as victims of IPV and as mothers. These women consistently maintain their lives and their children's lives were in jeopardy. In fact, renowned feminist psychologist Lenore Walker's interviews with women who have killed their batterers demonstrate that very few of the women "ever intended to kill; all say that they simply wanted to stop him from hurting them like that again" (Walker 106). Therefore, mothers who kill their batterers do not act out of retaliation, but rather in self-defense for themselves—and most often for their children. Given the circumstances of women such as Karen Straw, using lethal force to protect oneself and one's children hardly seems "unreasonable" as critics claim. Walker, too, dedicates part of her text to describing women who are tracked down after separating from their batterers and murdered (66-67).[9] As she writes, "[A] simple truth fuels women's terror: if a batterer wants to kill or maim you, he can do it" (97). In other

[9] One striking example is Patricia Burn's case. In this particular example, it is relevant to note that the perpetrator, Clarence Burns, "was sent for psychological testing, the psychologist determining that the stress and pain of his separation had caused him to become 'temporarily insane.' His previous threats to kill Patricia were ignored completely in the report, as was his well-known history of violent behavior" (67). The result of this case was a four-year sentence that was ultimately suspended in favor of a "community corrections program for two more years" (68). The case illustrates the gendered bias present in sentencing; as I, and many other feminist scholars, have argued, these men's experiences with the legal system yields less punitive sentences, as compared to women who kill their batterers in order to protect themselves.

words, women who experience IPV live with the knowledge and fear that if a batterer is willing to exchange his life for theirs, then there are few obstacles that will prevent him from doing so. This fact is one frequently acknowledged by advocates of victims/survivors of IPV. Less underscored by allies is the fact that similar to Straw, a great number of women who kill their batterers act not only out of self-defense, but as protective and caring acts for the lives of their children.

Some of the most poignant descriptions of such circumstances come from Browne's *When Battered Women Kill*, Walker's *Terrifying Love: Why Battered Women Kill and How Society Responds*, and the 1993 Academy Award-winning documentary film titled *Defending Our Lives*. "Molly Johnson's" narrative within Browne's text offers a departing point of analysis. Molly's story, like many women's stories, begins with her partner "Jim Johnson's" penchant for alcohol and history of severe abuse and threats. While the substance cannot be blamed for Jim's behavior, dependency on alcohol seems to have contributed to his frequent rages. According to Browne, the violence became erratic and Jim threatened the lives of Molly's family if she left him. Jim did not only batter Molly; he became violent toward his girlfriend with whom he spent most evenings and nights. Molly used the time Jim spent with his mistress to begin planning for her escape with her son, Kevin. However, when Jim's girlfriend began fleeing as a result of the frequent abuse, he hunted her and returned her from her parents' house while redoubling his abuse of Molly. Jim's threats also became progressively more menacing; "[h]e began threatening to kill them all" (132). These threats are not surprising given the current breadth of knowledge available on patterns of battering. It is

considered common knowledge among professionals working with shelters and organizations helping victims/survivors of IPV that leaving is the most dangerous time for women and their children. The most lethal period of time for IPV victims is generally noted as within the first few months of a separation. Experts and advocates concede that if a batterer's goal is to maintain a system of power and control, he will often use increasingly violent tactics to prevent a woman from leaving, or to punish her if she attempts to escape. Lethality is often implied in statements such as, "If I cannot have you, no one will." Faced with such an ultimatum, many victims do not see much more than a horrific and inevitable end.

For Molly, Jim's escalating use of verbal and physical intimidation became increasingly frightening, until the point at which she believed her life and the life of her child were in imminent danger. The rapid escalation of violence began after Jim's girlfriend called Molly imploring her for advice. Shortly before Christmas, Jim's girlfriend fled a final time without a trace. Browne describes the precariousness of the circumstances for Molly and Kevin as Jim began another drinking binge. Molly endured a ghastly beating; "[o]nce unleashed, his violence was totally uncontrollable" (132). Jim slammed Molly's head against kitchen cabinets, repeatedly bludgeoned her in the head with his fists, and kicked her abdomen and ribs. Browne also explains that Jim appeared to know that his girlfriend had communicated with Molly, and the battering became so brutal and violent that she attempted dialing 9-1-1. Her attempt to receive help was swiftly curtailed when Jim dislocated Molly's fingers on the hand with which she gripped the receiver. In response to critics' claims that battered women do not attempt to seek

help, it is evident that women such Molly do attempt to seek protection but are prevented by doing so by increased violence and/or threats of violence. After dislocating Molly's fingers, Jim said that "he would break them all if she touched the door . . . He shoved her down on the sofa, grabbing her hair on both sides of her head and pulling it out by the handful, gouging at her eyes, punching her in the stomach, putting his thumb in her mouth and trying to dislocate her jaw, and breaking off the arm of the sofa by the force with which he slammed her against it" (132). Molly continued to endure Jim's terrorism for several hours as she was dragged from room to room. The beating finally ceased when he fell asleep; Molly was too frightened to move and remained beside him until the morning. She was greeted with terroristic threats and demands that she locate Jim's girlfriend immediately. According to Browne's narrative, before leaving, Jim exclaimed, "'If you don't find her today, I'll kill you, you know. She means too much to me to lose. I'll shoot you, you son-of-a-bitch. I'll kill you dead'" (133). However, even at this point, Molly did not use lethal force in order to protect herself; she realized that her life was at risk and that she needed medical aid, but she was paralyzed by fear from the trauma. Molly must have been aware that too many women who did leave were hunted and slain by their batterers. More importantly, she did not have the financial means to purchase bus tickets to a far-away city and support a young child (132). Within the context of severe violence and threats, one can understand why Molly could not simply leave.

That evening, Jim returned to the house drunk and began another round of severe physical battering and choking. However, this time, Molly noticed that Jim's comportment had changed. She told Browne that Jim was laughing as he beat her,

bringing back memories of when he had methodically beat a dog to death while laughing (133). Given Jim's terroristic threats and the records of other batterers who murder their partners, there was no reason to believe that Jim would not in fact kill her. However, still, Molly did not react violently. She attempted to gather his firearms and hide them. She removed the automatic in his truck's glove box. Jim, incensed, found her and went to get his shotgun; "Molly had removed the bolt from it so it wouldn't fire. Jim was enraged. He shouted, 'I'll get you. I'll find a rubber band and *make* it work. I'll get you'" (133). Molly attempted to flee to the neighbor's house, but as for so many battered women, the neighbors did not respond to her pleas and screams for help. Molly knew that her child was still inside the house, and she peered through the window to make sure that he was still safe. Jim found Molly and began firing shots at her, but missed. He then threatened to kill Kevin and went into the house to retrieve him; he placed the child into his truck, and Molly could see that Kevin's hands were around the child's throat as he continued laughing at her. At this point, Molly knew that the only way to save her child was to use lethal force. She shot Jim with the gun she had removed from his truck. Molly was arrested and charged with murder. In spite of the likelihood of her acquittal, Brown informs readers that Molly accepted a plea bargain so that she would not risk losing Kevin indefinitely. It is uncertain that Molly would have used lethal force at all if not for the threat against her child's life. Therefore, the way that these events unfolded demonstrates an unmistakable link between Molly's role not only as a battered woman, but as a battered mother. Consistent with Gilligan's analysis, Molly demonstrated "a standard of sharing and care, of protecting people from hurt" (50). She killed not for fear

of pain and further brutalization of her own body, but as a mother who feared for her child's life.

The short documentary film *Defending Our Lives* focuses on the narratives of four women who have also killed their batterers, and the testimony of one of these women, Patty Hennessy, offers a striking comparison to Browne's description of Molly Johnson's case. Patty explains that she endured ten years of sexual, physical, emotional, and verbal abuse after marrying Brian, her teenage sweetheart. Patty became pregnant with her son Timmy, and the abuse against her intensified. She describes being punched in the stomach while she was pregnant while also being slapped, pushed, and verbally assaulted. As I have argued, the connection between IPV, pregnancy/motherhood, and femicide is not one that should be trivialized or over-looked. This connection becomes more apparent when after Timmy's birth, Patty poignantly states, "That kid was my life—he was everything to me." Thus, Patty lives and experiences what Gilligan eloquently describes as women's tendency to observe the "a world of care and protection, a life lived with others whom 'you may love as much or even more than you love yourself'" (38). Patty, like Molly, describes how her choices began to take form not from a concern for herself, but through an ethic of care and protection of her child. In one explosive incident, Brian broke Patty's nose and gave her a black eye. Like many battered women, Patty called the police and pleaded with them to arrest her husband. Although Patty stood before the responding officers with a bruised and bloody face, they flatly refused to make the arrest because they had not witnessed the violent incident. Clearly, she had not committed acts of violence against herself, but still the police

officers maintained that there was nothing that they could do. According to Patty's narrative, Brian stood laughing in the background and beat her even more severely after the officers left their house. Patty explains to viewers that the additional beatings served to punish her for calling law enforcement. Still, however, she did not flee for her life.

It was not until Patty began to intensely feel the material effects of the intersections as a battered woman and mother that she escaped. Patty continued to endure severe instances of abuse, and she explains that Brian had a penchant for hitting Timmy in the head. However, while she was willing to withstand the abuse of her own body, she was not willing to witness the battering of her child. She compellingly affirms, "[D]o whatever you want to me, but don't touch my kid." While some women refuse to abandon abusive relationships because of the complicated connection between being mothers and battered women, notably, it was for Timmy that Patty ultimately decided to attempt to leave the household in spite of the danger and harassment she would subsequently encounter. She explains emotionally, "I know that I should have been caring about my own life, but at that point I didn't. They get you to the point where you feel like you're not worth anything—and you don't even deserve to live. But, the love of my son made me want to live and make me want him to live . . . [T]hat's why I left; more for his sake than mine." It is evident from Patty's narrative that the role of being a mother had critical implications for her experience as a victim of IPV.

Similar to Molly's narrative, Patty faced a climactic life-threatening violence, yet she did not respond with lethal force until she felt certain that her child's life was also at stake. When Patty attempted to leave, Brian used her neck to extinguish his cigarette,

knocked Timmy out of her arms back into his crib, beat her severely, and began uttering death threats. When she fled the house with the young child in her arms, Brian chased her with his van, ultimately cornering her in a neighbor's yard against a fence. Patty describes to viewers how he aimed the vehicle towards her and Timmy, but their lives were miraculously spared when the van got stuck on a stump, thereby allowing her the opportunity to continue running to her parents' house. However, in spite of a divorce suit and separation from her abuser, Patty could not free herself from Brian's constant harassment and intimidation for seven years following this incident. She tells viewers, "Brian's attitude was, 'Well, if I cannot have you and Timmy, nobody can have Timmy.'" He subsequently obtained a court order permitting him to take the child to Florida for thirty days. The abuser's victory was accompanied by threats that Patty would never see her son again. On the day he came to collect the child, Brian menacingly told Patty, "'You had better kiss Tim again because you'll never see him again.'" At this point, Patty truly believed that her life and the life of her son were at a crossroads in which either they, or the abuser, would die. Patty returned to the front door with her father's gun and fired at Brian, ultimately killing him after he lunged forward at her in the doorway, pressing her against the screen. With this contextualization, it is not difficult to understand her action as a defensive move to protect the life of her son. Patty and Timmy were failed by the legal justice system and faced the probability that they would become statistics discussed in the opening of this chapter. Nonetheless, Patty pled guilty to manslaughter and received an 18-20-year sentence.[10]

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[10] Patty Hennessy was one of the "Framingham Eight," or eight prisoners held in the Framingham

It is telling that Brian seems to recognize what many scholars have all but ignored. His choice of words points to a material result of the intersections of Patty's identities as both a woman and a mother. While the classic phrase discussed previously is, "If I cannot have you, no one will," Brian uses a calculated manipulation of Patty's identity as both a mother as well as a victim of his terrorism. By telling Patty, "'Well, if I cannot have you and Timmy, nobody can have Timmy,'" he threatens her life literally as well as figuratively, since so much of Patty's feelings of self-worth were based upon her child. The loss of Timmy would be a devastating blow, worse than anything else he had done or could do to her physically. Thus, his threats of abducting and killing Timmy operate two-fold: he implies he will do harm to Patty by doing harm to their child. Feminist theorist Patrice DiQuinzio argues in her book on theories of mothering that "feminism cannot claim to give an adequate account of women's lives and to represent women's needs and interests if it ignores the issue of mothering" (xi). In other words, women's identities as mothers form a salient category with very real material effects for women's lives. In the context of IPV and women who kill their batterers, there is even more at stake in these issues.

Patty and Molly's actions were spurred by the intersections of identities as both battered women and battered mothers. Even a cursory contextualization of these cases suggests that many women who kill their batterers react to a reasonable and justifiable

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(Massachusetts) state penitentiary for killing their batterers. These eight women's cases were presented for review for clemency in 1992, upon the new guidelines for incarcerated IPV victims/survivors (Buel 322). Seven of eight of these prisoners, including the other women featured in *Defending Our Lives* were given commutated sentences or early parole. Patty's request was the one case of these eight that was to be denied (Buel 322).

fear that they, and their children, will become homicide victims. As Browne maintains, for women such as Molly "it was an absolute conviction that death was inevitable within a certain timeframe; usually, this conviction was based on specific threats by the men . . . In every case, women in the homicide group believed that they (or a child) would be the victim if someone were to die" (135). Yet again, however, the intersection of motherhood and victimhood is quite literally parenthesized within the text. The absence of emphasis on women's actions not only as a result of being battered women, but battered mothers, is significant. When going through the legal process, too, it is evident that the choices that women make are often shaped by their status as mothers as much as their status as victims/survivors of acute abuse. Browne describes that many women accept a plea bargain because they "were concerned about an extended separation from their children" (163).[11] Schneider, too, connects women's agency to "active efforts" aimed at protecting both themselves and their children (81). Thus, it is imperative for those reviewing such cases to have an understanding of women's identities as both victims of abuse *and* mothers fearing for their children's lives. Women viewing the world in part from this observational position must navigate a treacherous territory in which expressing care and connectedness to those who need help (including themselves) is penetrated by the chaos and pain from their partners' terrorism.

[11] Accepting a plea bargain, even with the possible reward of a lighter sentence is not without important material effects. Agreeing to this negotiation forces a woman to accept culpability by pleading "guilty" to murder, or a reduced manslaughter charge. In doing so, women thereby lose the ability to claim that their actions were a result of self-defense (Browne 163), and they will continue to carry this charge on their criminal records, potentially impacting job and education availability and other opportunities for the remainder of their lives.

Therefore, it is not enough to simply point to these intersections, but to also examine them through women's observational positions. Consistent with Gilligan's theory, Molly and Patty "equate responsibility with the need for response that arises from the recognition that others are counting on [them] and that [they] are in a position to help" (Gilligan 54). The sense of responsibility to their child(ren) and the knowledge that there child(ren) are depending on them for safety are significant factors in their ultimate use of force at critical moments within the broader narrative of terrorism. While their positions as victims as IPV may have prevented them from attempting to escape, their positions as mothers mediates judgment on how and when to act. While women such as Molly were not "in a position to help" as a result of poverty and of the effects of severe and escalating battering, they do recognize the possibility of using force to protect their lives and their child(ren)'s lives. Looking at these testimonies within this context provides a richer understanding of some women's use of violence in order to defend themselves and their dependents.

Even in larger samples of women who have killed their batterers, these trends are easily apparent. A more recent study of women who have used lethal force against their batterers yields the connection between women as victims and women as mothers. The South African study titled "The Cycle of Violence and Abuse in Women Who Kill An Intimate Male Partner: A Biographical Profile" found that of the sixty women participants who were incarcerated for killing an intimate partner, over 90 percent of the women indicated that they are mothers (Pretorius and Botha 245). Moreover, Buel's own summary of previous research from the 1980s led her to list "those whose children are

targeted" among other patterns in characterizing battered women who have killed (225). Walker's text *Terrifying Love* includes a chapter dedicated to examining children's relevance to these cases. Included in this chapter are the brief narratives of several women who killed their batterers, "Nadda," "Sherry," and "Heidi." Nadda witnessed the abuse of her six-month-old son and believed that the next round of battering would be lethal to them both. Sherry, too, "shot and killed her husband trying to protect herself and her five-year-old son, Kevin, from his physical abuse" (140). Heidi used lethal force after an attack similar to Karen Straw's case; her husband, Mark, would use visitation of their son as an opportunity to continue battering and sexually assaulting Heidi. The prevalence and similarities between the narratives strongly suggest an inextricable intersection between motherhood and victimhood. Walker emphasizes that the battering of a child "is often the catalyst for battered women who kill—the final straw, the thing they can no longer tolerate without going mad. In many cases, knowledge of child abuse is the thing that prompts a battered woman to kill in self-defense, to protect the child and herself from a violence that knows no bounds" (138). The earliest feminist writers on the topic seemed to at least superficially notice this intersection of identity.

Thus, it is surprising that more recent analyses of these populations do not evaluate the role of motherhood at all. In preparing this research, I found no subsequent investigations of this topic where theorists such as Walker left off. Roberts' "Comparative Analysis of Battered Women in the Community With Battered Women in Prison for Killing Their Intimate Partners" compares his data on women who have killed their batterers to Browne's and Walker's data. Roberts reveals that there are several

consistent trends among the circumstances of battered women who kill. Yet, in spite of his important findings for trends regarding these women's experience, a discussion of motherhood is absent. Roberts uses Browne and Walker's texts to help identify common traits of women who kill their batterers. However, even though Walker unequivocally states, "These women killed as a last resort; they killed in order to save their own lives and often the lives of their children," a discussion of this intersection between motherhood and victimhood is missing in Roberts' text (7). Within an analysis of these narratives, women are not described as battered mothers; this social identity becomes "othered." Understanding the ways that women's and children's lives are affected by the relationship between victimhood and motherhood is a valuable site for future academic inquiry.

Although earnest analyses of women who kill disjoints the relationship between battered women who kill and their children, when women are perceived to *fail* to act as protectors because of their role as mothers, the intersection between victimhood and motherhood is quickly and accusatorily used against them. Women are held accountable, socially and legally, for the morbid outcomes of abuse for children. Schneider explains, battered mothers "may be charged with criminal conduct for failure to protect, held liable for abuse and neglect, have their parental rights terminated, or face criminal responsibility for endangering the welfare of a child, for assault and battery, or for homicide" (153). Selective attention to motherhood as it intersects with battering is therefore identifiable in the charges filed by Child Protective Services (CPS) against battered women for a "failure to protect" their children from abusers. Women often face

a costly legal battle and many required reparations, generally including parenting classes, to prevent the loss of custody of their children. While the intent of these regulations is to prevent children from being victimized by batterers, the "voluntary" recommendations for mothers are often perceived as overly stringent and punitive given the fact that the women, themselves, were also victims of abuse.[12] It becomes the victims' responsibility to "protect" their children against batterers in these cases, rather than a batterer's responsibility to cease his abuse. The underlying message is, "Yes, you are indeed a victim, but you are primarily a mother with certain over-riding responsibilities." Never mind that taking the "right" steps may have fatal consequences or result in financially and/or emotionally devastating legal custody suits. In these instances, women are supposed to take protective measures in spite of the clear and present risks in doing so.[13]

I am not the first individual to point out that one particular case illustrating the othering of battered mothers is the 1987 national controversy regarding Hedda

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[12] While CPS purports that the checklist of actions (such as taking parenting classes and establishing a residence independent of the perpetrator) given to battered mothers is voluntary, the likely penalty for not adhering to the guidelines is the loss of custody of their children. Just as abusers will attempt to manipulate women's actions by threatening the abduction of children, CPS tactically uses litigation to strip battered mothers of custody in order to ensure compliance. Buel writes, for example, that in some areas of Texas, missing a single parenting class "can result in bond revocation, which can be catastrophic for battered defendants with children" (249). While a discussion of the ethics of this approach is beyond the scope of this research, it is an important question to raise, here.

[13] In some cases, women take the law into their own hands when the legal system fails to protect their children. An article titled "Running for Their Lives" printed by *People* in 1989 describes an underground organization sheltering 300 or more families in safe-houses across the country. Most of the families are mothers and their children fleeing court orders that offer custody or access to children to their sexually and/or physically abusive fathers (Podesta and Biema 71). One mother highlighted in the article, Dr. Elizabeth Morgan, was given a 17 month sentence for contempt of court for failing to reveal the whereabouts of her young daughter, Hilary (Chin and Podesta 85). She placed Hilary in the care of the Underground when the court awarded visitation rights to ex-husband, in spite of overwhelming medical and testimonial evidence suggesting he had molested Hilary and her half-sister.

Nussbaum.[14] Hedda faced national scrutiny and the possibility of criminal charges as a result of the death of her daughter, Lisa, caused by the battering by her partner Joel Steinberg. Hedda was unambiguously a battered mother. According to photograph Donna Ferrato's influential photography text *Living With the Enemy*, Hedda suffered from multiple severe wounds: "On one leg she had an infected ulceration. Her ear was swollen and misshapen. Her head appeared to have been punched in at the sides. Her skin was scarred by cigarette burns" (140). In addition to these visible injuries, doctors found scalp and lip lacerations, missing clumps of hair, fractured nose and cheek bones, scarring, fifteen fractured ribs, and swelling in some of her joints as a result of severe episodes of battering and torture (Jones, *Next Time...* 168-69). She had survived brutal abuse including not only physical battering, but torture such as coerced baths in ice water and intentionally enforced episodes of sleep-deprivation. Lisa had been illegally adopted and given by Joel to Hedda to raise as their daughter. Ferrato describes how Lisa was exposed to instances of severe and graphic abuse of her mother and was eventually a victim of abuse, herself. Under the influence of cocaine, Joel battered Lisa and left her unconscious in Hedda's care for three hours, until he returned home. Hedda was too afraid to call for help without Joel's approval; he had strictly regulated her use of the telephone and "[s]he wasn't supposed to open the apartment door to anyone, not even her own family, unless Joel was present" (Jones, *Next Time...* 169). For this reason, Hedda watched over Lisa as she slipped into a coma, never to awaken.

[14] For example, Schneider also draws a similar link in her chapter titled "Motherhood and Battering."

Ultimately, Hedda's testimony was an integral piece of the case against Joel, "yet many jurors and journalists blamed her for failing to save Lisa's life" (Ferrato, *Living With the Enemy* 141). A *People* magazine published in February 1989 featured Nussbaum's misshapen face on the cover with the bold tagline, "Joel Steinberg's conviction in the killing of daughter Lisa, 6, leaves one haunting question: How could any mother, no matter how battered, fail to help her dying child?" Although the article itself offers Hedda's friend the opportunity to contextualize Lisa's death, the title's emphasis unambiguously positions Hedda as culpable in some way, "no matter how battered" she may have been. The word choice highlights Hedda's burden to vindicate herself to the public for her "failure." Therefore, the media attention focused not on what *Joel* had done, but rather what *Hedda* had failed to do. It was *she* who, according to the media, allowed Joel to "do to her *child*" (Jones, *Next Time...* 168). Other brutal editorials and public opinions emerged focusing on Hedda's supposed failure (Jones, *Next Time...* 168). Thus, people's opinions focused on ideals of parental responsibility, with a particularly vicious emphasis on a mother's duty. Yet, writers such as Gilligan note that "in order to be able to care for another, one must first be able to care responsibly for oneself" (76). Hedda was certainly far beyond this point when she emerged from the apartment after Lisa's death. She quickly became an othered battered mother. In this case, it was convenient for critics to point to the responsibility of motherhood while devastating or obfuscating Hedda's intersecting perspective as a victim of IPV. The intersection of motherhood and victimhood was clearly used maliciously against her in the media. And once again, the legal system also demonstrated a discriminatory gender-

bias. The result of the Steinberg trial was a manslaughter charge with an 8 1/3 to 25 year sentence for Lisa's death, and no criminal charges for the torture and terrorization of Hedda (Jones, *Next Time*... 197) (Johnson 83).

While mothers are told through many mediums to behave as "good" women and mothers, it is often unclear what being a "good" parent entails. Nor is there room for more complex narratives, including expositions detailing abuse, "poverty, teen-age pregnancy, or drug or alcohol abuse" (Schneider 152). Mothers face an oppressive binary in which they are either "Saints of the House," or "Bad Mothers," "Good Women," or "Bad Women." To complicate matters further, judges, juries, and citizens often have a preconceived notion of who is or is not a "true" victim, undeserving of violent beatings. Buel writes, "Those who are married, passive, and religious are the 'real' batted women, as opposed to those who are angry, have fought back, or have a criminal record, and are thus considered undeserving of remedial assistance" (265). As Buel suggests, from the onset of litigation, some women are already perceived as unworthy of society's attention and aid. Unfortunately, for "bad" battered mothers, there are material consequences for being deemed "unfit" as a parent or guardian. These consequences begin with blame for whatever should go wrong. In spite of the horrifying contexts in which battered mothers live and the sincere and reasonable belief that they or their children would become homicide victims, these women are most often labeled

killers and murderers who are deserving of "just" recourse at best, and demonized at worst. [15]

Critics of defenses for battered women who kill point to a slippery-slope argument: Surely we do not want to condone murder as a suitable alternative to the traditional justice system. In the early 1990s, after the publications of Browne's and Walker's landmark texts, some legal writers began mulling over the topic, most often in favor of holding women "accountable" for "murder." One such vehement critic, Gerald Caplan, a professor of law, writes, "Reduced to its essence, battered-woman syndrome is not a physician's diagnosis but an advocate's invention. It means: Blame the deceased" (40). What critics such as Caplan miss is the salience of the abusive contexts and the real imminent danger threatening these women and often their child(ren)'s lives. "The deceased," as Caplan euphemizes, are indeed the batterers who inflicted severe corporeal abuse and psychological terrorism, and who threatened the lives of their partners, and oftentimes their children. The argument forgoes an analysis of the way the justice system failed to protect women who *did* leave and who *did* file for orders of protection. Ultimately, these women were expected by society and social institutions to "protect" themselves and their children. As I have argued many women did so when they thought their lives and their children's lives were in imminent danger, yet their actions are consistently treated punitively in court. According to Buel, many jurors present comparable expectations that "the battered woman could have done *something--anything*

[15] I am indebted to co-founder of the Texas Council on Family Violence, Toby Myers, for pointing out that the words "murder" and "murderer" are legal terms used appropriately only when someone has been convicted of the crime. Since I argue that the women discussed in this research killed in self-defense, I avoid using these terms whenever possible.

short of killing the abuser, but they are loathe to offer realistic options" (302). Critics simply fail to propose recommendations for a method of "protection" that would prevent women and their children from being hunted and killed by batterers who are intent on carrying through with their threats.

Furthermore, critics such as Caplan distill a context of terrorization and torture such as those described in this chapter into a straw (wo)man. Caplan argues that women could not possibly suffer from Walkers' description of learned helplessness since this "reasoning doesn't explain how women who are that helpless manage to stab their husbands repeatedly in the chest with butcher knives, shoot them at close range, or hire hit men to do the job. Nor does it explain why, if battered women are capable of such violent actions, they are incapable of non-homicidal responses such as leaving the house" (40). In other words, according to this logic, battered mothers face a paradoxical bind—if they "fail" to protect themselves and their children they may lose their lives or their children; however, if they protect themselves using lethal force, they still risk losing their lives and their children to the judicial process. Critics thereby establish a false binary: either women are too helpless to leave (and therefore would ostensibly continue being victimized until their own deaths) or they are not helpless at all (and therefore should have *done* something by leaving). In either case, it is clearly battered mothers who are to blame for not doing the "right" thing.

It seems that many judges and juries are also concerned about this slippery slope; in the majority of cases such as the ones described in this chapter, women are given harsh criminal sentences, or they accept a long and punitive plea bargain for fear of a life

sentence. Browne elaborates that women's emotional states are wrought by the severity of battering and the possibility of losing their children. They often opt out of a public criminal trial because the difficulty of going through a trial is far more than they feel they can psychologically and emotionally handle (163). And yet, in spite of well-documented psychological hurdles facing women in the courtroom, especially in the face of a hostile prosecutor, Caplan even goes a step farther to imply that women should not have expert witnesses to contextualize battering in court. Judges who allow for expert testimony, he argues, "install, perhaps unwittingly, an escape route lacking a scientific predicate and appealing to poplar prejudice" (42). As I have demonstrated, these assertions are utterly reversed—battered women and mothers encounter an extraordinary amount of documented gendered discrimination in institutions. Caplan, along with other critics, attempts to make sense of these narratives through an androcentric context, at the expense of women's lived experiences and observational positions.

Moreover, although Browne's research is nearly 30 years past, activists and those working with battered women and battered women who have killed their abusers describe a similarly slanted judicial response. Toby Myers, a co-founder of the Texas Council on Family Violence, has served as an expert witness in court cases for women who kill their batterers. Myers has participated in approximately 70 cases; however, she has only seen three acquittals. In an informal telephone conversation with me, she explained that probation rather than jail time "is a real gift" because of its relative rarity. The outcome of one Texan case for which she served as an expert witness nonetheless resulted in a 60-year prison sentence. According to Myers, bench trials often result in lighter sentences

than jury trials. Juries often lack the educational context to understand women's actions as self-defense; instead, they see only a woman who has killed and begin the trial with the assumption that she must be punished. Judges, on the other hand, sometimes have a more nuanced understanding of IPV and dole out less severe penalties according to her experience. Nevertheless, Myers' involvement as an expert witness suggests that critics' fear of a justice system that unjustly supports battered women and mothers is unwarranted. Moreover, Schneider emphasizes that expert testimony often proves difficult to have admitted to court, and "even if the trial court admits the expert testimony proffered by the defense, the prosecution may be permitted to have an expert testify to counter the assertion that the woman is battered or has suffered from battered woman syndrome" (126). Even when expert testimony is permitted, personal experiences such as those of Myers suggests that most women can, at best, hope for curtailed sentences rather than acquittals. It is important to note, here, that judges too can prove to be quite challenging for battered women. Buel notes, for example, that some judges "disregard precedent, misuse evidentiary rules, and block admissible expert testimony, among other troublesome practices" (234). Therefore, battered women—and especially battered mothers—who kill encounter a series of potential hurdles before they can prove that their actions were justifiable and reasonable. Perhaps by using theories of intersectionality and Gilligan's investigation judges and juries may be able to form a more holistic context for some women's actions.

The intersections between these women's identities as mothers and victims are important when considering the difficulty in establishing a self-defense plea in the

courtroom. Several feminist scholars have argued that "self-defense" in it and of itself is a concept framed through an androcentric, or male-orientated, perspective (Schneider 116) (Jones, *Women Who Kill* 299). As Schneider's work explains, this legal answer to homicide charges currently reflect men's experiences with violence, thereby making women's applications of the plea far more difficult, if not sometimes impossible, to maintain. Phrased another way, men's perspectives have been "the norm;" judges and juries attempt to "fashion women out of a masculine cloth" leading to unjust legal burdens (Gilligan 6). Notions of justice and self-defense simply have not been historically based upon women's perceptions and experiences, as victims of domestic terrorism or as mothers. Schneider writes that women who have killed "experience serious problems in meeting the judicial application of the standards of reasonableness and elements of the law of self-defense: the requirement of temporal proximity of the danger perceived by the defendant; the requirement of equal proportionality of force used by the defendant to that used against her by the batterer; and the duty to retreat" (117). In other words, the traditional notion of self-defense is based upon a scenario in which an individual faces immediate danger and defends *him*self using an equal amount of force to his opponent, but only uses lethal force if there is a threat of mortal danger from which he cannot otherwise flee. For women, this scenario is unlikely, at best, given most men's physical and muscular advantage. When a batterer's primary weapon is using his fists, his victim surely would not be able to use "an equal amount of force" without the use of some other implement. Or as Jones argues, "The woman who counters her husband's fists with a gun may *in fact* by doing no more than meeting deadly force with deadly

force" (*Women Who Kill* 300). Perhaps more importantly, given the societal propensity to ask why a woman does not simply leave, proving to a court that a woman was unable to retreat is far easier said than done. Courts are often unwilling to accept that killing is "a last resort" used when no other defense tactics have proven to be successful (Jones, *Women Who Kill* 298). As a result, battered mothers who kill cannot often meet the standards necessary to convince a judge or jury that lethal force was justifiable.

The absence of women's perspectives in codified laws and legal standards leads to gendered material effects for women and mothers who have killed their batterers. If we accept Gilligan's research indicating that women's observations and perspectives are often different from, but not inferior to, men's, then it is easy to see how women are set up to fail the standards necessary to establish a self-defense plea before they even begin arguing their case. Battered women and mothers "fail" not because their actions are necessarily unjustifiable, but because they are not answered through a male lens. To these ends, Gilligan concludes, "Thus, when women do not conform to the standards of psychological expectations, the conclusion has generally been that something is wrong with the women" rather than the way in which they have been measured (14). Men are not and have not been battered mothers. Therefore, this account is absent from the legal framework that has been historically shaped and written by (white) men. It is women who have been "viewed as exclusively responsible for children, [and] the problems that children face in the particular family, as well as in the society at large, are held to be the fault of the mother" (Schneider 152). Until courtrooms are willing to sincerely contextualize women's actions through a different observational perspective, women who

kill will continue to face long sentences and battered mothers will experience fragmentation from their child(ren). Courtrooms will need to explore and accept women's observational positions, on women's terms, mediated through women's voices. As I have maintained, it is often a context that reflects the intersections of abuse and motherhood. In conclusion, one might consider an articulate statement from one of Gilligan's participants. She asserts, "'Laws are pragmatic instruments, but they are not absolutes'" (65). Adopting a less universalizing approach would involve asking how an individual might protect *her*self when other defensive tactics have failed and when *her* life, and the life of her child(ren) are jeopardized.

In this research, I have built upon the strengths of previous work by authors such as Lenore Walker, Angela Browne, and Ann Jones; but I deal with the problems in previous work that present fragmented accounts of many battered women's identities and connections to their children. In the end, both feminist scholars' analysis of Battered Women's Syndrome and the American justice system neglects the common and prevalent intersection between victimhood and motherhood. It would be perhaps wise to discuss many battered women as battered mothers. Along these lines, scholars might discuss the nuance between Battered Women's Syndrome as a defense and the potential for Battered Mother's Syndrome. As I have argued, children, the silent witnesses who are often exposed to abuse and whose lives are often threatened, play an important role in the overall context of many women's actions. In the same vein, the material effects of both mothering and battering are significant for women who kill to protect themselves and their child(ren). Finally, women, according to Gilligan, tend to emphasize and measure

their actions through an "ideal of care" (35). We might ask then how killing a batterer was committed not out of vengeance, but out of a battered mother's ultimate act of protection and care for her child(ren). Considering these women's cases through men's lived experiences and an androcentric legal framework is counter-productive.

Ultimately, a battered woman's identity as mother becomes important to most critics only when it is used to impugn a woman's actions in the context of a "failure," but seldom acknowledged as an important and valuable factor in using lethal force for justifiable cause. The framework of a self-defense argument does not incorporate the use of lethal force when a mother believes that her child(ren) are in imminent danger. Given that men's experiences have shaped legal definitions of justifiable homicide, it is not surprising that a discussion of parenting and protection of one's child(ren) against an intimate partner are absent from interpretations criminal law. Gilligan offers a helpful way of rephrasing these concerns: "Judging the law now in terms of whom it protects, [a woman] extends her ethic of responsibility to a broader vision of social connection" (55). In other words, we might first ask how women's responsibilities, relationships, and visions of motherhood differ from men's and how those nuances are translated within legal cases and existing legislation. We might then judge the effectiveness of existing laws by looking at whose interests and lives are ultimately protected. Finally, we might inquire how current legal holdings have been shaped historically by androcentric biases and where they are deficient in adequately accounting for women's gendered experiences. Many feminist authors such as Schneider have similarly demonstrated the necessity of incorporating women's perspectives into legal frameworks; they have

maintained that self-defense must be reframed in order to be accessible to women's situations.

I have maintained that there must also be an inclusion of motherhood as an identity category that often intersects with their experiences as victims of abuse. Since many women's experiences include mothering, and many battered women who kill do so as a result of the powerful intersections of their own dealings with abuse *and* their role as mothers and protectors of their child(ren), this theoretical perspective can be a tool for future further scholarly inquiry. When looking at women's use of self-defense, in some cases it might be equally relevant to see how they acted as protectors of their children. At this point, the United States' judicial response is too often symptomatic of the othering of battered mothers and silent on these women's relationship to their children.

CHAPTER III

SILENT WITNESSES: CHILDREN OF WOMEN WHO HAVE KILLED THEIR BATTERERS

In chapter one, I argued that women's identities as mothers are not discussed in relationship to their identities as battered women, unless of course the intersection can be used as against them, as exemplified by Hedda Nussbaum's case. Similarly, I will demonstrate how children's testimonies remain parenthesized from their mothers' actions, even though there are significant intersections between their experiences. I do not argue that women and their child(ren) are extensions of one another, or that they experience violence in the same way. However, while their perceptions and experiences are different, there are many overlapping aspects of trauma. Past scholarship is intensely helpful in contextualizing women's responses to IPV, in many cases. However, I have argued, it leads to disjointed connections to children's lives in the many cases when battered women who kill also happen to be battered mothers. Martina McBride's song "Independence Day" symbolizes the way that children's experiences are often fragmented from their relationship with their battered mothers and silenced by academic treatment of their perceptions of traumatic events. In this chapter, I will indicate how children's experiences with abuse and the incarceration of their mothers who kill create

the potential for a doubled trauma. I will begin bridging the important connections between children's exposure to trauma and the fragmentation of the relationship between themselves and their mothers who kill their batterers. I will explore the relevance between mothers' incarceration and children's possible outcomes. What happens to children whose mothers have killed and are incarcerated is an important extension of the questions visited in the previous chapter. Children's developmental and psychological outcome has great bearing on both women's and children's lives. Finally, I will address the intersections between women's and children's experiences that provide future avenues for scholarship.

The effects of battering on children's development is an area that has only recently burgeoned within scholarship during the past fifteen years. As acclaimed photographer Donna Ferrato suggested in her talk at Texas Woman's University in the winter of 2009, IPV often leaves innumerable silent witnesses in its wake. Statistically speaking, studies have indicated that "85-90% of the time when a violent incident took place in a domestic situation, children were present and children were also abused during the violent incident in about 50% of those cases" ("Domestic Violence and its Impact on Children's Development" 1). Ferrato described how her efforts to interview victims of IPV did not include the voices of her subjects' children, a fact with which she did not grapple until years later when she received a letter from the daughter of one of the subjects in her landmark work, *Living With the Enemy*. Ferrato expressed regret for her lack of attention to the young victims' sense of trauma and began a photography project of child victims of violence. She explained in a 1998 interview, "I see the children as the

ones who suffer repercussions more strongly than the women do. In my experience, women who've been abused by their husbands, if they can get away from him, get into a shelter, and start going to support groups, they heal. They are able to make sense out of what happened and go on with their lives" ("Children and Violence"). It is children, Ferrato maintains, who may continue to deal with psychological and emotional effects of violence throughout their development.

These data strongly suggest that children's exposure to IPV creates an elevated risk for a plethora of developmental problems, especially during the school-age period. Scholarship in this area has suggested that these children are the most sensitive to the effects of abuse, including one study that concluded that, developmentally, "younger children exhibited significantly greater problems than older children" (Gewirtz and Edleson 156). Furthermore, perhaps the most widely discussed and injurious effects of IPV on children are cognitive difficulties and a hindrance to "key developmental milestones, such as toilet-training or walking," in addition to the possibility of long-term neurological changes and difficulty in establishing relationships (Ybarra, Wilkens, and Lieberman 33). However, the appearance of these signals of IPV is often complex and particularly difficult to identify.

According to Abigail H. Gewirtz and Jeffrey L. Edleson's study of children's exposure to IPV, there is increasing scholarship concluding a vast "variability in children's experiences" (158). Lists of potential behaviors exhibited in children who have been exposed to IPV are extensive, and dependent upon age. For childcare

providers dealing with children preschool and school-aged, research has commonly documented behaviors such as:

> Insecurity and unpredictable responses to stimuli, Lack of capacity for emotional self-regulation, Repetitive play with traumatic themes – same topics are concretely and constantly repeated with no modification over time, Frightening dreams/nightmares, Reoccurring waking memories, Trauma-specific reenactment, Talking about the violent event, Upset reactions in response to memory triggers, Hypervigilance, New separation anxiety, Argumentative, Hyperactivity, Sleep disturbances, Fears certain animals, situations, or places [and for children between the ages of 5 and 12:] Lack of capacity for emotional self-regulation - move back and forth between shy or withdrawn behavior and unusually aggressive behavior, Lack of motivation to master their environment, Intense fears of recurrence, Distorted perceptions of self, Avoidance of situations that may or may not appear to be related to the trauma, Inhibited social competence, Depressive symptoms, Sleep disturbances, Preoccupations with words or symbols that may be directly or indirectly related to the trauma, Greater likelihood of seeing the intentions of others as hostile, School problems/Learning Problems/School Phobia – unable to distinguish between relevant and irrelevant information, [and] Difficulty with orientation in time and space. (Keene 2-3)

With such a broad list of behavioral patterns, it is quite evident that the effects of IPV manifest themselves differently for each child. Gewirtz and Edleson also point to some patterns within children's responses to IPV that suggests gendered ties. It is evident that an individual child's response is unpredictable, but the possibility of a child being utterly unaffected and untouched by the marks of trauma is quite unlikely.

Given the potential severity of children's responses to this kind of trauma, it is surprising that children exposed to IPV continue to comprise a class of individuals whose narratives have been greatly underestimated. In fact, as scholars Abigail H. Gewirtz and Amanuel Medhanie explain, "the underreporting of children's involvement in IPV incidents has been amply documented . . . Several authors have documented parents' underestimation of the extent of children's witnessing of violent incidents even as their children describe details of events they were not supposed to have seen" (69). Therefore, children are often assumed not to have been victims of trauma, or believed not to have noticed or understood what was happening around them. It is well-established, however, that merely being exposed to abuse has strong links to both physical and emotional manifestations of trauma in children (Lehmann and Rabenstein 346-47). Yet, it is not just a lack of reporting that is a cause for concern, but the way that these narratives are (un)treated by scholars.

It is easily recognized that children whose mothers kill their batterers are at least exposed to violence via witnessing, if they are not directly victimized themselves. For example, in Karen Straw's case, described by Ann Jones in the previous chapter, it is evident that her children witnessed not only brutal physical violence, but also intense

sexual abuse of their mother. In another incident described briefly in Jones' *Women Who Kill*, a batterer held a gun to his child's head when his wife, Mary McGuire, attempted to escape (300). In Walker and Browne's texts and *Defending Our Lives*, it is clear that children are often both directly and indirectly involved in explosive incidents. However, even for children who have not had guns held to their heads or witnessed a sexual assault, exposure is still virtually inevitable. Many sounds are likely audible. Children can hear the thuds echoing from floorboards and the bangs reverberating from doorframes. They can hear the slamming of bodies that are pushed or thrown against walls. They can hear the smashing of glass being broken and of the furniture being overturned. They can hear the batterers yelling curses and threats. They can hear their mothers' cries. Thus, even from another room, children of all ages are exposed to violence as silent witnesses. They, too, experience the petrifying effects of fear and unknowing. In the stillness that often follows a batterer's rage, they do not know if their mothers are okay; they may be too afraid or too young to venture out of their rooms to check. When a gunshot erupts before or after a round of battering, children may not immediately see or understand who, if anyone, has been injured or killed. The tension is no less palpable for these children, and the effects of IPV are no less significant.

However, scholars' treatment of children in situations when battered mothers kill dangerously replicates the silence of their unreported histories. Despite the severity of the cases described in the first chapter, a narrative from *children's* perspectives of the violence is not even documented in a footnote within any of these texts. What the children felt is noticeably fragmented from the trajectory of their mothers' experiences.

Walker does recognize that battered women and their child(ren) share important connections to trauma; "[l]ike their battered mothers, children are often double victimized: first by cruel and abusive fathers, then by the state" (137). Moreover, she hints at how children are often the ones who suffer when their abusive fathers are given custody or extended access during visitation.[16] In other words, their exposure to violence in their mothers' stories is discussed at pivotal and climatic moments, implying that these children share significant traumatic memories. But when all is said and done, readers know only that these children were exposed to violence in critical ways. In some cases, readers are offered only brief accounts of their subsequent whereabouts. Therefore, children of battered mothers who kill are most generally used to contextualize their mothers' actions, but not discussed on their own terms, in spite of their importance to one's understanding of the overall events. In this way, children of battered mothers become silent battered props. These voices and narratives are excluded at our own potential peril. Without an inclusion of children's narratives, we run the risk of simultaneously fragmenting readers' perceptions of IPV and othering battered mothers.

The children so central to the women outlined in the former chapter are left with unwritten narratives and unsettling conclusions. Similar to the narrator in McBride's song, if children of battered mothers who kill do not have family members who are willing and capable of caring for them, they are most likely swept away by a social welfare system. This end would be bad enough; however, it is also a system that does not seem to inquire about what these children have witnessed and experienced. Tragically,

[16] See, for example, "Sue's Story" on pages 243-255.

foster families rarely take siblings together, thereby further fragmenting families (Golden 34). In the case of "Molly Johnson," the available information regarding Kevin's outcome is limited. Browne writes that Kevin was put into foster care until Molly was released on bail, following three months of imprisonment. Upon her release, she and Kevin were permitted intermittent visits, "and then only with someone in attendance to supervise their interactions. Kevin had never been away from his mother before and reacted poorly: He become unable to eat solid foods and increasingly lost weight, which added to Molly's distress over their separation" (187). Browne implies that Molly is able to resume custody when she began serving probation, after her three-year sentence. However, it is unknown what long-term effects Kevin experienced, and what happened to him during and after Molly's incarceration. In Patty Hennessy's narrative, the details of Timmy's outcome are even sparser. The footage included in the documentary yields only that custody of Timmy was granted to Brian's family. At least one of the other women in the documentary expresses a similar outcome. They report that their relationship with their children is completely split by their incarceration, and they fear that their ex-partners' families will foster malicious sentiments against them. The lack of attention to these children's outcomes only opens the proverbial door to being victimized a second time, in more ways than one.

Moreover, it is important for scholars to recognize children's testimonies as significant to their mothers' narratives, as well as on their own terms, since children are

often used as manipulative tools for batterers to maintain systems of control and power.[17] It is well-known that batterers also often find ways of using children as emotional bargaining chips in divorce hearings. For instance, custody battles may be prolonged by batterers in calculated moves to tax their partners' finances and add additional burdens of stress, anxiety, and fear. Even when battered mothers are given primary custody of their children, batterers sometimes use children as an excuse to maintain contact with their victims and monitor their (ex)partners' lives. Patty Hennessy's narrative serves as an example of this kind manipulation. She explains that Brian did not "want" Timmy, but he used him as an excuse to continue harassing her. More drastically, scholarship on IPV abounds with batterers' threats of abduction. Immigrant women are particularly vulnerable to this form terrorization as batterers may threaten to take her children out of the U.S. where court custody rulings may not be honored, or they may threaten to report children to immigration agencies ("Power and Control Over Immigrant Women"). Some literature cautions that young white children with no siblings, specifically, are at a higher risk of abduction, especially around the time of a divorce or separation (Plass, Finkelhor, and Hotaling 346). In this way, some children may become a chief vehicle for batterer's continued expression of dominance; the threat of losing one's children is a powerful tactic that may lead to mothers' continued compliance even after she has fled from an abusive household.[18] For these reasons, it does not make sense to treat children's

[17] For specific examples, the Duluth Power and Control Wheel is a helpful conceptual tool reflecting battered women's experiences ("Domestic Violence Facts").

[18] Child abduction is a complicated issue in regards to IPV; more than 50 percent of child abductions have a link to relationship violence. However, these cases include the many mothers who are charged with child abduction in attempt to protect their children from their abusive partners. Nonetheless, it is equally clear

narratives as distinctly separate from, or as less significant than, their battered mothers. The interconnections are too important and the stakes are too high to over-simplify or reduce the narratives to independent details and events. By hearing children's narratives and incorporating their testimonies into the broader fabric of these stories, scholars stand to help prevent some of the violence of separation that happens if (or when) women are incarcerated.

While it does not appear that any recent literature has focused on children whose mothers kill their batterer, one can infer a bit about the general outcome for children's whose mothers endure periods of incarceration in state prisons.[19] Authors Susan F. Sharp and M. Elaine Eriksen's essay, "Imprisoned Mothers and Their Children" anthologized in 2003, explains that "more than half of the mothers in state prisons reported that their children were living with a grandparent, and another one-fourth reported that their children were living with other relatives . . . an additional 10 percent were being cared for by foster parents or by agencies" (124). It is unclear if children whose mothers have killed their batterers experience similar national trends in placement. However, anecdotally, it does not seem unreasonable to assume that no fewer than ten percent enter a foster family system. For other specificities regarding children whose battered mothers are incarcerated, the details become rougher and more generalized from scholarship available on women in prison. Nonetheless, it should come as no surprise that these

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that some men abduct children for vengeful purposes out of anger at their partner's non-compliance (Greif and Hegar 284; 286).

[19] The incarceration of women, in general, is in itself a valuable site for further research. According to Kathryn Watterson's well-known sociological text *Women In Prison: Inside the Concrete Womb*, approximately 80 percent of incarcerated women are mothers (210).

children are systematically separated from their mothers, mirroring the way that their narratives have been (mis)treated from the start.

Several publications concerning mothers' general incarceration, and the effects on families, hint at the potential for severe outcomes for the mother-child relationship, as well as for children's development. However, it is important to mention here that even this data about children's trauma is inadequate. According to a text published in 2005 by Renny Golden, Professor of Criminal Justice, Sociology, and Social Work, "Few studies explore the long-term effects of a mother's incarceration on children. None, for example, reveal how many will turn to drugs or alcohol in adulthood, how many will become homeless, how many will be suicidal, or how many will struggle with incapacitating depression or anxiety as a result of childhood trauma" (32). Disgracefully, children's trauma has been ignored in all of these avenues of research. Again, the lack of attention to these narratives can only further to fragment our vision of IPV and the ways it affects both individuals' lives and our society as a whole. The problem, I would like to emphasize, is not a matter of an insufficient sample size; "there are currently more than 1.3 million children in this country whose mothers are under what official reports call 'correctional sanction'" (Rathbone 22). This number is not insignificant and provides an ample opportunity for scholars who have the initiative to find them. It would be then inappropriate to ask why it might be difficult to conduct such research. Rather, we might ask how neglecting to tend to the effects of trauma, both from battering and mothers' incarceration, replicates children's victimization.

The research that *is* available on children and their incarcerated mothers suggests that there are many obstacles making visitations relatively difficult, if not thornily complex. Golden sites a Bureau of Justice report stating that more than half of the incarcerated mothers housed "in state prisons never receive a visit from their children" (39). Given the large number of battered mothers who kill whose child(ren) are placed with in-laws or in foster homes, this particular statistic probably yields an even more distressing percentage. Whatever the case may be, I suggest that we also look at this statistic from a reciprocal position. If half of incarcerated mothers are not receiving visits, then an even greater number of children never have the opportunity to see their mothers. Again, it is valuable not only to see one side of this narrative, or to simply treat children's stories as the other side of the proverbial coin. Instead, this statistic begs a more complex three-dimensional scope. Given the number of grave psychological and societal problems that begin to emerge after children have been exposed to trauma, there is much to gain by being more diligent in how their stories are told, and how they are approached.

Aside from potential unwillingness on the part of a family to facilitate visits, the first significant impasse is an issue of distance. Given the relative scarcity of women's prisons, as compared to men's facilities, women have a greater chance of being located greater distances from their children (Girshick 106). Renny confirms that a staggering sixty percent of women prisoners "report that their prison is 100 miles away from where their children live" (41). For family members who have taken over childcare responsibilities, there are other hurdles to consider, as well, including class and

transportation concerns. Traveling to and from a prison is generally an all-day affair, perhaps necessitating a day off from work. It goes without saying foster families have even less to gain from making long-distance journeys for brief one or two hour visits (Golden 41). Phone calls can be equally tricky for families who are limited by socio-economic class; calls from prisons must be made collect, and can quickly create a hefty financial burden. According to Sharp and Eriksen, "A fifteen-minute telephone call can cost more than thirteen dollars" (129). In this way, a mother-child relationship involves a socially constructed disabling of communication and contact.

However, even reports of children who are able to see their mothers are not often promising, potentially in part as a result of inconsistent and brief encounters in an institutionalized setting. The limited research available on children of incarcerated mothers suggests that children may be subject to a second round of emotional trauma. Golden writes, for example, that older children may express anger or hurt after a visit, while younger children may cry and exhibit regressive behaviors such as bed-wetting, in addition to a drop in academic performance (42). She explains, "[I]mprisonment affects daughters and sons, who have their own emotions, losses, and coping problems to resolve. Stigmatization of their mothers may have an impact on the children's personal identity" (116). In other words, children experience significant emotional trauma as a result of their mother's incarceration; their narratives are not negligible when unpacking what it means to imprison a battered mother for any amount of time. At the core of the issue is children's ways of mediating the world, and they way that they grow to perceive themselves. It is notable that accounts of children's reactions to these visits share many

overlapping symptoms of trauma visible in children who have been exposed to IPV. Given the similarities in symptoms, children who are exposed to IPV have the great potential to re-experience a similar kind of trauma if their mother is convicted and incarcerated for murder or manslaughter. A slightly older text written in 1999 by sociologist Lori Girshick documents similar traumatic expressions among children, thus indicating that little has changed over the past decade to prevent children from being harmed a second time by the criminal justice system. Of the mothers Girshick interviewed, women who were willing to share information about their children's adjustment focused primarily upon "anger and emotional problems" (116). Specifically, her interviews, too, identify that many children who visit or talk to their incarcerated mothers suffer from sleep disturbances, rebelliousness, and an array of emotional outbursts (117). Furthermore, the emotional toll of visits on some children makes it less likely that caretakers will want to repeat the venture, if they ever made an attempt to begin with (Golden 42). This pattern points to an unmistakable re-inscribing of victimhood for both battered mothers and children as their relationship becomes increasingly disjointed or altogether absent.

These scholars all assert that children's lives are radically altered when their mothers are incarcerated. Sharp and Erikson summarize, "The children of women prisoners have often lost not only their caretaker but also their homes. They may be afraid for their mother, and they are frequently separated from siblings" (132). In other words, these children are first victimized as witnesses and/or victims of abuse. They are then likely subject to trauma as a result of the incarceration of their mothers, and the loss

of everything that was familiar in their lives. As discussed in the previous chapter, in the case of women who have killed their batterers, the sentences often last over a decade, separating children from their mothers during all of their childhood development and adolescence. The outcome of the stress resulting from these large changes is a harbinger for more severe mental health issues, for both children and their mothers. Watterson's analysis of women in prison eloquently evaluates the worst outcomes for children; she writes, "They no longer feel safe. More often than not, they don't have someone who can help them really understand why they feel the way they do. Without their mothers, they have to cope the best they can with their hollow, lonely feelings of being abandoned" (212-13). Watterson's passage identifies children's loss of their sense of safety and security—abstract ideals that are often maintained as the most fundamental human rights. For children, there is true terror in unknowing. One can then sense the true similarity between these children and the child in McBride's music video who is traumatically carried away to a foster care system. Just as the fictional child (silently) screams for her mother, children whose mothers have been incarcerated are stripped of "a big part of their identity and reassurance" (Watterson 212). These losses are material. They are damaging and painful. Ultimately, they open the door for classic markers of trauma such as clinical depression, reminding us that the intersection between victimhood and motherhood is not negligible.

Cristina Rathbone's journalistic account of incarcerated women in her book *A World Apart: Women, Prison, and Life Behind Bars* gives insight into the fragmentation of the mother-child relationship through individual histories and narratives. Even though

her participants are not battered women who are imprisoned for using lethal force, she sympathetically acknowledges that they are present at MCI-Framingham, the prison she accesses. Poignantly Rathbone describes, "[T]hough one or two of them did have an unnerving deadness to their eyes, they pretty much kept to themselves" (5). Readers can sense the way that these women continue to be othered. They are left to serve long sentences without much hope for others' understanding that they pose no threat to society at large. The "deadness" is a somber reminder that they were victims of horrendous domestic terrorism, and subsequently received live burials in state prisons. As I and many other scholars have argued, they are doing time for defending their lives. Given the lifelessness reflected in their expressions, one must wonder how many of these women are also mothers who have been fragmented from their children. However, readers can only surmise that battered mothers who kill experience similar outcomes compared to other women at Framingham.

Denise, the incarcerated woman at the heart of Rathbone's text, is a mother of a young boy named Pat. It is evident from the beginning of her narrative that Pat began suffering from psychological problems after his mother was imprisoned. He, like many children of incarcerated mothers, was sent to live with his paternal grandparents. However, at only nine years old, he threatened to commit suicide. His breakdown required him to receive in-patient treatment at a psychiatric hospital in Maine. Descriptions of Pat's behavior are consistent with the worst outcomes described in the scholarship by authors such as Golden and Girshick. Denise tells Rathbone that "Pat almost always came to the phone sobbing. He missed her . . . And he worried about her

and he'd even tried to come and find her, but they put him in restraints when he did that—in four-point restraints, he said" (9). This treatment strongly suggests that children, even at pre-adolescent stages, are terribly (mis)handled by the very social organizations and institutions that should intend to keep "society" safe. Like their mothers, these children often do not have the luxury of happy endings.

By the end of Denise's account, Pat was moved from his paternal grandparents' home to foster care. It is evident that Pat's behavior and psychological well-being does not subsequently improve. He is arrested for assault and theft charges; in spite of asking for weeks to be re-situated in a different home. Pat was informed by "his social worker that a kid did not leave a foster home just because somehow the place felt wrong. Something concrete had to happen. So Pat pushed his foster mother. Then, just to make sure that everyone knew something concrete had happened, he stormed over to a BJ's outlet and stole a large pile of batteries" (259). As Pat's situation illustrates, children's narratives are still not regarded sympathetically, as a whole, by social support systems in the United States. Nor are they contextualized within a broader framework of their mothers' narratives. Children are silenced until they literally push back. However, by this point, they face only further derision and punishment from the justice system. Although Pat's actions were "clear and desperate calls for help," he did not find individuals who were willing to help him in the spirit of sincerity (259). Ultimately, his story demonstrates that it is children who remain at the margins of our attention. Until there are in fact "concrete" changes to these interconnected social institutions, children like Pat will continue to endure a series of tragic failings of our social institutions,

beginning with fragmentation from their mothers and often ending in their own incarceration. Perhaps most importantly, it is quite evident that one cannot treat the narratives as separate cases; they must be regarded as the interwoven strands of fabric in a much bigger piece of cloth.

Therefore, it is valuable to ask in what ways the punitive sentences for women who kill their batterers leads only to a second kind of victimization for battered mothers and children. As I have maintained, many mothers use lethal force during moments in which their child(ren)'s lives are being threatened. What many of these women do not realize at the time of their action is that they cannot continue to protect their children from the societal violence that follows. This violence takes both physical forms, such as the four-point restraints used on Pat, as well as emotional violence such as the pervasive challenges awaiting children who grow up separated from their mothers and siblings. One grandmother quoted in Rathbone's text movingly argues,

> I know that many people believe it is punishing the mother to send her off to prison for fifteen years. But I am here to tell you, no. You are not punishing the mother, you are punishing the child. You are punishing the children. So please, soften your hearts. My daughter was wrong, but mercy. For one little child, mercy. Because if I wasn't alive, what would happen to this kid? (111).

This grandmother's plea poses a simple, yet vital, question: What *would* happen to these children? With the particular absence of research concerning these children's futures, we can only shake our heads unknowingly. The truth is that researchers do *not* know what

happens to these children as they mature and enter adulthood, and oftentimes, neither do their mothers who remain in prison.

Yet, it is often not battered mothers' fault if they do not know how their child(ren) are faring. The legal system also continues to work against incarcerated mothers by stripping them of parental rights such as the ability to make judgments regarding the structure of their child(ren)'s lives (Golden 35). The justice system in the United States often equates being an unfit parent with the fact that a mother has been convicted of a crime. For battered mothers who have killed to protect their child(ren), ostensibly, it should be easy to demonstrate their dedication to caring and loving as parents. But given the attitudes reflected in sentencing and criminalization of their acts, these mothers face an arduous task in proving themselves "fit" as caretakers. For women who have killed their batterers, long sentences make it far more difficult to have agency in decisions regarding their children's futures. Golden explains that the ability to conserve parental rights is often contingent upon ongoing visitation (34-35). Cruelly, however, these visits are not in the control of either mothers or their children. Furthermore, evidence strongly suggests that many women are not informed about hearings that will terminate their parental rights (Golden 36). Their absence at these hearings—that they may not know about to begin with—results in the loss of parental rights. There are some established social programs geared toward preserving contact between children and their mothers, such as the Girl Scouts Beyond Bars (GSBB) program, described at more length in

Rathbone's book.[20] However, for the vast majority of children, their mothers remain well beyond their embrace. Taking battered mothers parental rights away from them is the concluding step in violently fragmenting the mother-child relationship.

Once again, it is important to emphasize that feminist scholars have stake in the issue not only for children such as Pat who began suffering from depression, but also for mothers whose stress increases exponentially when they know that their children are in danger. Watterson makes this connection strikingly apparent when she asserts, "Probably the greatest source of tension in prison for women is the anxiety and concern they have about their children" (210). Denise, for example, began taking prescription medication given to her by the prison's health facility. Given the ethic of care reflected in women's actions in the first chapter, it is particularly heartbreaking that Denise was not in a position to be able to protect or help Pat (8). It is apparent that her reliance on these medications stems primarily from the fragmentation from her son. This predicament is not unique, according to Rathbone; "[a]n astonishing 68 percent of incarcerated women are found to be clinically depressed when they are examined in prison—a statistic probably exacerbated by the fact that approximately two thirds are mothers and were the primary caretakers of children before being sent away" (22). Therefore, women's health, too, suffers thereby paralleling their child(ren)'s growing tension. Both mothers and their child(ren) become increasingly strained, and it is easy to identify the mounting

[20] This program, established in 1992, helps maintain a connection between Girl Scout-aged girls and their mothers in participating prisons. The program "provides girls an opportunity to visit their incarcerated mothers weekly to monthly and take part in mother/daughter Girl Scout troop meetings" ("Girl Scouts Beyond Bars"). There are currently 37 GSBB programs, in cities throughout the United States, reaching "approximately 800 girls and 600 mothers annually" according to the organization's promotional material ("Girls Scouts Beyond Bars and Girl Scouting in Detention Centers...").

impairments sited on their relationship, until the kinship sinews are stretched so thin that they snap. The loss of the mother-child relationship can be devastating to both parties involved. There are serious consequences, not only for women who have killed, but for the child(ren) for whom they already offered their lives to protect. The salient intersections of victimhood and motherhood become distinctly fragmented shards of these women's and their child(ren)'s shattered lives.

CHAPTER IV

CONCLUSION

This research has focused on specific battered mothers' narratives in order to provide not only a new potential theoretical tool or perspective, but also to help us analyze the ways that these women and children face extraordinary biases as they navigate legal and social systems. While it is difficult to provide unquestionable empiric truths, looking at specific cases yields support for the claim that battered women who kill receive incensing raw treatment. As a final brief case summary, an article published in *The Observer* in 1991 compares the cases of Joseph McGrail and Sara Thornton. Joseph killed his partner, Marion Kennedy "by repeatedly kicking her in the stomach as she lay in an alcoholic stupor" but emerged from the British justice system with a mere "two-year suspended prison sentence" (Longsdale and Ghazi). Nobody seemed to ask why Joseph did not "simply leave" his wife, given his proclamations that she tormented and verbally abused him during her prolonged bought with alcoholism and drug-addiction. In fact, not only did Joseph walk away without the kind of criticism battered women face from the media, but the judge in his case, "Mr Justice Popplewell, said the woman he had killed 'would have tried the patience of a saint'" (Longsdale and Ghazi). In a parallel case, Sara Thornton, yet another battered mother, killed her husband, Malcolm, after he had threatened to kill her in her sleep. Like the women's experiences discussed throughout this research, Malcolm had not only previously threatened Sara's life, but the life of her 12-year-old daughter. However, unlike Joseph McGrail, Sara was convicted

on murder charges and given a life sentence (Longsdale and Ghazi). Given cases such as these, we must continue to ask, "Where do we go from here in order to ensure due process for women?"

As briefly discussed in chapter one, the links between motherhood and violence against women are forged as early as the detection of pregnancy. Indubitably, femicides of pregnant women account for an alarming number of deaths each year. A study aimed at identifying the leading causes of maternal death over the past fifty years concluded that homicide is now the second-leading cause of death for pregnant women (Ho et al.). Indeed, this conclusion has been reproduced, by a number of scholars, such as Isabelle Horon and Diana Cheng's research that indicates that pregnant and post-partum women are more "likely to be a victim of homicide than to die of any other cause" (1). Notably, Eleanor Ho et al. indicate that the predominant causes of death have changed over time—death as a result of homicide currently accounts for a higher percentage of maternal deaths than in previous decades. In fact, the percentage has increased from two percent of deaths in the period before 1972 to twelve percent in the period after 1971 (1215). However, the authors assert that the increased percentage of these deaths is *not* due to an increased number of homicides. Rather, pregnancy-related complications that used to result in many fatalities have been reduced with better medical treatment and successful medical advances. While this horrifying trend has been identified and discussed, scholars assert that pregnancy-related femicides in the United States are underreported and absent from national statistics reflecting causes of death for pregnant women (Krulewitch 4). Dina El Katy et al. point to a more startling conclusion; even though,"[m]aternal

complications of pregnancy (ie, diabetes and preeclampsia) are not associated with maternal death rates as high as those seen with assault . . . these conditions receive much more interest and support for prevention" (362). In other words, the question then remains: Why has so much research been focused on medical complications that traditionally result in maternal death while social issues have been neglected? Why do many states fail to document the connections between violence against women and their roles as (new or future) mothers?

Similarly, accounts of women and mothers who kill their batterers as presented to the general public often begin in *media res*, without a proper contextualization of events or of lives leading up to the climax. A woman's relationship to her child(ren) as they intersect with the effects of IPV, are important aspects of the narratives we are told, at the very least according to the available printed texts detailing individual accounts. In these cases, conceptualizing and theorizing about motherhood is often vital to our understanding of how and why a woman would kill. Unfortunately, what judges and juries often do not see, or want to see, is what comes before a gunshot and after the slamming of a prison gate. An androcentric standpoint has little understanding of the intersecting realities of *women's* identities and personhood. Nor do the social systems in the U.S. seem receptive to hearing that many battered women are not merely "good" or "bad" mothers, but rather complex human beings who have been exposed to forms of domestic terrorism. For women of color and poor women, this dichotomy can prove to be even more problematic. As Buel eloquently states, "Generally, the less the battered client's life has mirrored the traditional white, middle class, June Cleaver model, the less

sympathy she will enjoy from privileged whites as well as from the privileged members of her own race" (248). Thus, even when a broader context is made available, the facts are often used to impugn mothers for their "failures."

Given our propensity to judge women, and especially mothers, as either inherently "good" or "bad," and the resulting material effects of these judgments, we are faced with a serious impasse regarding the inclusion of children's testimonies or narratives. Schneider justifiably warns that a consideration of children can actually work against battered mothers in the legal system—"A judge can decide that a woman's experience of battering shows her awareness of the dangerousness of her husband. These dilemmas are common in situations involving abuse, neglect, or termination of parental rights" (158-59). It goes without saying that these are indeed high stakes, especially in conjunction with the possibility of incarceration for homicide charges. I have argued that we must accept children's role in a broader understanding of intersectional concerns. Yet, for this legal conundrum, I have no answers.

Scholars' discussion would not be complete without including the severity with which so many of women's judicial hearings are handled, and the propensity for individuals to ask, "Why didn't *she* just leave?" As I have maintained, most centrifugal to future endeavors is to continue questioning how women's experiences differ from men's on the basis of gender, including a discussion of motherhood.[21] If women often kill in order to protect their children, it is equally valuable to discuss how and why

[21] Again, it is also vital to ask how women's experiences differ from one another on the basis of other intersections of identity such as class, "race," able-bodiedness, and sexual orientation. These differences are as valuable to a contextualization of women's narratives as the commonalities between them.

children are in need of this protection. It is not enough to quantify and list the many possible outcomes on children's development; children need to be asked what they have seen and heard, and how they have coped with their own fear and anxiety. Connections between motherhood, IPV, and women's agency remain grossly underdeveloped further down the tracks, as well, as my research has demonstrated. Many social systems are accustomed to looking at the cases between women and their children as distinct from one another. By the time women have killed their batterers, the hairline cracks in the connectedness of battered women's and children's relationship have fissured. Or, at least they are presented that way. Given the unambiguous trend that most women who kill their batterers are mothers, children should not be treated as though they exist on separate planes. Children need to be accepted on their own terms. If they are not, we resultantly risk being left with a very fragmented view of the overarching problems. It is relevant to point out that children's trauma maintains a complex dynamic with their mothers' experiences.

Perhaps what is most distressing is the replication of trauma that children of battered women who kill often experience. Children become ghosts, reappearing and disappearing haphazardly on the academic and legal stage. There are material effects of not bothering to consider and track narratives and excavating more complex spaces. For example, as Sharp and Erikson state, "[I]n some states the correctional system does not even track what happens to the children when the mother is imprisoned" (135). By the time that children and their mothers emerge at the other end of the social justice system, their narratives have been neatly boxed, loaded, and shipped using two distinct lines that

rarely converge within the discourse. It is an injustice to mothers and children alike that the innumerable questions raised through intersectional concerns remain vastly unexplored— and consequently unanswered.

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