

Chapter One



Introduction

Violence against women is a pervasive social problem of extraordinary proportions in the United States. For women, home is a place of greater danger than public places—more dangerous than the workplace, more dangerous than the highway, more dangerous than city streets. However much we would like to picture intimate relationships as a refuge from the violence that exists outside the walls of our homes, all too often the couple relationship itself is the foremost source of danger and threat to women. Men assault their former, estranged, or current wives, fiancées, and girlfriends at alarming rates with near impunity. In the United States, women are more likely to be attacked, injured, raped, or killed by a current or former male partner than by all other types of assailants combined (Browne 1992; Maguire and Pastore 1996; Violence Against Women Grants Office [VAWGO] 1997). Three out of four women who are raped and/or physically assaulted are victimized by current or former husbands, cohabiting partners or dates (Tjaden and Thoennes 1998). Male intimates inflict more injuries on women than auto accidents, muggings, and rape combined (Hart 1990a; Jones 1996; McLeer and Anwar 1989; Stark 1990). Women are more likely to be killed by an intimate partner than by a total of all other categories of assailants (Moracco, Runyan, and Butts 1998). The most frequent form of family murder is a husband killing his wife (Pleck 1987) and the most common form of murder-suicide is perpetrated by a male with a history of abusing his female partner whose attempt to withdraw from him triggers his lethal violence (Murzak, Tardiff, and Hirsch 1992). Between 75 percent and 90 percent of all hostage takings are related to domestic violence (Hart 1990a).

The identification of the abuse of wives and girlfriends as a social problem emerged in the 1970s as the women's movement took shape and moved forward. Since then, the issue of violence between

intimate partners has been subject to increased scrutiny. Cross-cultural research reveals that the abuse of women by intimate male partners occurs more often than any other type of family violence (Schuler 1996; Levinson 1989) and is the most common form of violence against women (Heise et al. 1994; UNICEF 2000). Research shows that woman battering crosses all socioeconomic strata; it crosses all racial, ethnic, religious, and age groups (Attorney General's Task Force on Family Violence 1984; Collins et al. 1999; Bachman and Saltzman 1995; Pagelow 1984). Due to the private nature of intimate violence, the actual rates of occurrence are unknown. Nevertheless, known rates in the United States suggest that it is pervasive. Minimally, between 1.8 and 4.8 million American women are abused in their homes each year (Diaz 1996; Hofford and Harrell 1993; Tjaden and Thoennes 2000); and Sherman (1992) observes,

Up to 8 million times each year this nation's police are confronted with a victim who has just been beaten by a spouse or lover. . . . Domestic assault is the single most frequent form of violence that police encounter, more common than all other forms of violence combined. (1)

The 1994 National Crime Victimization Survey (NCVS) estimates that, in more than 90 percent of violent incidents, the victim was female; women experience more than ten times as many violent episodes by an intimate as males (Buzawa and Buzawa 1996). At least 20 percent to 25 percent of adolescent girls have experienced physical or sexual violence from a dating partner, leaving them at high risk for substance abuse, eating disorders, risky sexual behavior, pregnancy, and suicidality (Silverman et al. 2001; James, West, and Deters 2000). The National Violence Against Women Survey estimates that 8 percent of adult American women will be stalked sometime during their lifetimes and they are significantly more likely than their male counterparts to be stalked by spouses or ex-spouses (VAWGO 1997).

Women who experience a violent assault are more likely to require medical care if the attacker was an intimate rather than a stranger, injuries occurring almost twice as frequently when the offender is an intimate than when a stranger (Bachman 1994). Twenty-two percent to 35 percent of all emergency room visits by women are for injuries caused by domestic assault (Sherman 1992). In 1994, women accounted for 39 percent of hospital emergency department visits for violence-related injuries and 84 percent of the in-

dividuals treated for injuries inflicted by intimates (Greenfeld et al. 1998). Flitcraft (1995) reports that a woman who comes to a hospital emergency room three times with injuries has an 80 percent chance of being a battered woman, regardless of the severity of injuries. A survey of Denver emergency departments found that more than half of the randomly sampled 648 women who sought treatment had been threatened or injured by a husband or boyfriend at some time in their lives (Abbott, Johnson, Koziol-McLain, and Lowenstein 1995). Because many medically treated victims receive multiple forms of care and treatment for the same violent episode, "the number of medical personnel treating injuries annually is in the millions" (Tjaden and Thoennes 2000). Approximately one out of four women seeking prenatal care are abused by their partners, resulting in fetal injury, miscarriage, hemorrhage, and low birthweight (American Medical Association 1992). According to Campbell (1995), up to 45 percent of battered women are being raped on an ongoing basis by their partners. Approximately one-fourth of all suicide attempts by females are related to domestic violence (Flitcraft 1995); suicidal ideation occurs twenty-three times more often among abused women than nonabused women (Gelles and Strauss 1988).

Despite overwhelming evidence from hospital records, law enforcement reports, court proceedings, and victim surveys substantiating that violence between intimate partners is primarily and essentially the violence of men against women, a major debate peculiar to America (Dobash and Dobash 1992) concerns the question of "mutual combat" and the related claim that women are as violent as men in intimate relationships (Straus 1993). Men are sometimes physically and psychologically abused by their wives or girlfriends, but compared to most women, they have many more alternatives (e.g., physical and economic) to prevent or escape the violence. Obviously, an enormous disparity exists in the potential of serious bodily harm from being kicked, punched, or raped by a typical unarmed husband or boyfriend versus a typical unarmed wife or girlfriend. Further, in most, though certainly not all, cases of female-to-male violence, her violence is the violence of self-defense (Dobash et al. 1999; Kurz 1993).

Research data showing high rates of female-to-male violence and/or "mutual combat" usually derive their findings from a "gender-neutral" survey instrument widely used in domestic violence research, the Conflict Tactics Scale (CTS). This scale has come under strong criticism by those who challenge the instrument's inherent assumption of gender equality, which ignores the very real physical,

social, and power differences between women and men (e.g., see Dobash and Dobash 1988; Ferraro 2001; Pagelow 1985; Stark and Flitcraft 1996). The scale fails to measure intent, injury, or fear, opting to make simple counts of specific acts, such as hits, kicks, or punches, and attempts to hit, kick, or punch. When taken out of context in this manner, a woman's self-defensive reactions are deemed the same as her male partner's brutal and coercive acts. Moreover, claims that women and men are equally violent with intimates fail to consider the prevalence and impact of rape and sexual assault in intimate relationships, virtually all of which are perpetrated by men. Thus, studies using the CTS routinely produce skewed data that promote the erroneous idea of large numbers of violent women and regular mutual combat in battering relationships.

In the landmark work, *The Battered Woman*, Lenore Walker (1979) provides what has come to be the most generally accepted definition of an abused woman:

A battered woman is a woman who is repeatedly subjected to any forceful physical or psychological behavior by a man in order to coerce her to do something he wants her to do without any concern for her rights. Battered women include wives or women in any form of intimate relationships with men. Furthermore, in order to be classified as a battered woman, the couple must go through the battering cycle at least twice. Any woman may find herself in an abusive relationship once. If it occurs a second time, and she remains in the situation, she is defined as a battered woman. (xv)

Numerous factors influence a woman's decision to remain with an abusive mate despite the likelihood that the violence will increase in frequency and severity over time (Browne 1987; Gillespie 1989; Wilson 1997). In general, the batterer maintains sole control over family finances, restricting his partner's access to funds that could enable her to leave. Due to the nature of the nuclear family and the man's efforts to isolate the woman from outside social support, she has few alternatives to staying in a violent relationship (Archer 1989). Culturally, women tend to invest themselves in their relationships and derive meaning and identity from them. Traditional or religious beliefs, as well as family and friends, often work against a victimized woman's departure from the home and mate. The battered woman is likely to feel responsible for the abuse, aided by the batterer's refusal to take responsibility and by his external focus of

blame for the violence. Often the woman believes that her abuser can or will change. She makes every effort to resolve family conflicts and create peace in hopes of avoiding future violence. Abusive events are interspersed among otherwise normal interactions and the emotional attachment the woman feels for her partner can be difficult for her to overcome. She may view her abusive partner as “sick” and dependent on her for survival (Ferraro and Johnson 1983). Generated by the batterer’s actual threats of suicide, his threats against her, the children, and/or family and friends, many women remain in abusive relationships out of fear of retaliation (Browne 1987; Sipe and Hall 1996).

A woman with children may be deeply concerned about the well-being of her children if she leaves. She may stay with an abuser out of fear of losing custody of her children, either in the divorce settlement or through later kidnapping by the man; abusive husbands are no less likely to win custody than are fathers with no allegations of violence (Liss and Stahly 1993). According to the U.S. Commission on Civil Rights (1982), “A woman who leaves an abusive situation may be found to have deserted her husband and, therefore, may become the party at fault” (8). While shelters and safe houses provide vital support services for battered women and their children, they have not been able to keep up with the need (Jones 1994); there are about 1,200 shelters for battered women throughout the United States (Crowell and Burgess 1996). Researchers frequently cite the lack of help given to battered women by the police and other criminal justice representatives among the factors that keep women trapped in abusive relationships (Browne 1987; Ewing 1990; Jones 1994).

Many women leave, or try to, only to end up back with the abuser. Women who experience violence at the hands of an intimate partner cannot assume that leaving, by itself, will end the abuse (Foster, Veale, and Fogel 1989; Moracco et al. 1998; Jones 1994). Pagelow (1981) found that almost 80 percent of her sample of 350 women had made at least one previous but unsuccessful attempt to leave the relationship and seventy-one women returned unwillingly. In another study, 20 percent of the women reported that they returned to their batterers at least one time because of threats to hurt or take the children (Liss and Stahly 1993).

Violent assaults may continue after women leave or separate from their abusers. Simply discussing separation or divorce, not only their accomplishment, can provoke an escalation of violence (Browne 1987, Dawson and Gartner 1998; Johann and Osanka 1989). “Separation assault” describes a batterer’s violent attack on

a woman in order to keep her from leaving, coerce her return, or to retaliate for her leaving (Mahoney 1991). The woman's departure may even further aggravate the man's need to control and to regain what he perceives as a loss of power and possession (Wilson, Johnson, and Daly 1995). Women know to take seriously the threats of their abusive partners; it is possible that as many as 50 percent or more of the women who leave their abusers are stalked (Browne 1987, Walker 1992). Nearly eight out of ten stalking victims are female and most of the offenders are current or former male intimates (VAWGO 1997). Walker (1992) reports that the woman remains at increased risk for at least two years after she terminates the relationship. Further, the National Crime Victimization Survey found that the victimization rate of women separated from their husbands was about three times higher than that of divorced women and about twenty-five times higher than that of married women (Bachman and Saltzman 1995).

Violence between intimate partners sometimes escalates into an act of homicide. Early sociologist Emile Durkheim's (1897/1951) cogent observation, "While family life has a moderating effect upon suicide, it rather stimulates murder" (354), bears witness to the fact that the phenomenon of domestic homicide is not a recent development. Between 1976 and 1996, intimates murdered six out of every 100 male victims and thirty out of every 100 female victims (Greenfeld et al. 1998). According to the U.S. Department of Justice (Zawitz 1994), between 1977 and 1992 the number of male victims fell from 1,185 to 657 and the number of female victims increased from 1,396 to 1,510. In the years from 1976 to 1998, the number of men killed by intimates dropped by 60 percent; currently, women are eight times more likely than men to be killed by an intimate (Rennison and Welchans 2000).

The number of women killed by intimates remained stable between 1976 and 1993, declined 23 percent between 1993 and 1997, then increased again by 8 percent the following year (Rennison and Welchans 2000). The number of white female victims increased 15 percent between 1997 and 1998, making them the only category for whom intimate partner homicide has not shown substantial decline since 1976 (Rennison and Welchans 2000). Estimates of women who have been killed by husbands, boyfriends, or former partners range from 1,000 to 4,000 per year; and percentages of female homicide victims found to have been killed by current or former intimates range from 28 percent to 75 percent (National Clearinghouse for the Defense of Battered Women 1994). However, hard data on women

homicide victims or offenders are lacking since, according to Gillespie (1989),

the primary source of crime statistics, the FBI's annual Uniform Crime Reports, does not break its figures down by sex in all instances and does not report justifiable homicides at all. (202n)

McCorkel (1996) notes the paucity of research on gender and its influence on criminal justice system processes, in contrast to the wealth of literature that investigates the impact of race and class within the system. Official statistics show that the nature of the relationship between victim and offender is unknown in about 30 percent of homicides reported to the police (Laub 1990). In a comparison of the FBI's Supplementary Homicide Report (SHR) with a database of intimate partner homicide cases in Massachusetts, the SHR identified only 71.1 percent of partner victims, and ex-boyfriend cases (one-fifth of partner victim cases) were often miscoded as "unknown relationship" or "acquaintance" (Langford, Isaac, and Kabat 1998). Stark suggests, "there are probably two homicides involving intimates for every one in which a 'spouse' or 'ex-spouse' is officially identified" (1990, 17). Official statistics, therefore, likely represent a substantial undercount of the actual number of intimate partner homicides.

In general, women are less likely to commit homicide than are men. In a survey of nearly ten thousand murder cases, Dawson and Langan (1994) report: women perpetrated 10.5 percent and men 89.5 percent of all homicides. Since 1980, rates of homicide by women have been declining steadily (Greenfeld and Snell 1999). Female offenders tend to act alone and their killings are likely to be unplanned, intersexual, intraracial, with family members and intimate partners the most frequent victims (Greenfeld and Smell 1999; Mann 1992).

Research consistently shows gender differences in the context of spousal homicide. There is a tendency toward more male aggression and more female defensive behavior in descriptions of homicide incidents and in the use of murder weapons. Casenave and Zahn (1992) report that only male offenders commit beating or strangulation homicides; women, on the other hand, are more likely to stab or shoot their victims once. Men tend to be the aggressors in homicide cases even when the ultimate offenders are women; and when males are the offenders, their actions tend to be more violent (Casenave and Zahn 1992). Duncan and Duncan (1978) concur: "Victim-precipitated

homicide is significantly associated with mate slayings wherein the husband is the victim. . . . When the husband is the perpetrator, the mate slaying . . . is frequently unusually brutal" (179). Women are at risk of being murdered by their intimate partner when he is suicidal, while male intimates are not at risk when women are suicidal (Block and Christakos 1995; Pagelow 1992). Casenave and Zahn (1992) also found that when women kill, they kill men with whom they cohabit; men kill their female cohabitants, but they also kill their estranged spouses and their girlfriends.

Moreover, women are more likely to kill in self-defense, while men are more likely to kill when the victim tries to leave the relationship. Women who leave their batterers are at substantially greater risk of being killed by the batterer than are those who stay (Block and Christakos 1995; Stout 1991). Wilson et al. (1995) argue that the murder of a woman by her male partner frequently results from his sexual jealousy and/or sense of ownership. Indeed, deadly assaults on a large proportion of female victims concern their attempts to leave the relationship (Block and Christakos 1995; Campbell 1992; Casenave and Zahn 1992; Ewing 1997; Gillespie 1989; Wilson and Daly 1993). Rapaport (1994) reports that, of males on death row for domestic homicide,

[a]lmost half the men killed in retaliation for a wife or lover leaving them, although the victims of these killers were sometimes the children and of the women as well as, or in place of, the women themselves. (225)

Over the last fifteen years researchers have explored the lives and experiences of battered women who killed their abusive male partners (e.g., Browne 1987; Ewing 1987; Gagne 1998; Gillespie 1989; Johann and Osanka 1989; Jones 1994; Walker 1989). However, research on the lives and experiences of incarcerated battered women who kill has been scant, due in part to their relative inaccessibility. In his book, *Marital Violence: A Study of Interspouse Homicide*, Chimbos (1978) studied thirty-four Canadian inmates convicted of killing their spouses; his study included only four females but all were being beaten or had just been beaten when the homicide occurred. Totman's (1978) *The Murderess: A Psychosocial Study of Criminal Homicide* examined incarcerated female homicide offenders at one institution and found that, of forty-three women convicted of murder or voluntary manslaughter, thirteen had killed a child; thirty had killed male partners, twenty-eight of

whom had been abusive. Foster, Veale, and Fogel (1989) interviewed twelve women imprisoned for killing their male abusers to determine risk factors for homicide. In sum, only four battered women participated in Chimbos's (1978) research; Totman (1978) included twenty-eight battered women in her study, but they were not the focus of her work; and the findings reported by Foster, Veale, and Fogel (1989) are limited to responses from twelve subjects. Thus, the current study is the largest and most comprehensive to focus on battered women homicide offenders in prison. It is unique for its multiple methods, the size of its sample, the depth of interview material, and for its ability to compare convicted survivors with the general population of California women prisoners.

This investigation begins the process of identifying women who serve prison sentences in California for the death of their abusive male partners. This study summarizes data on the phenomenon of homicide by females against abusive husbands and boyfriends. In-depth interviews conducted with forty-two female prisoners explore the link between the women's personal experiences of violence and its consequences and the social structural responses to their victimization and homicidal self-rescue. The study describes characteristics of imprisoned battered women and is the first to compare them with the general population of women in prison. This research provides valuable analyses of the experiences and perceptions of incarcerated battered women and describes recurrent themes and processes that emerge from their narrative accounts. The theoretical framework for this exploration examines the link between gender and intimate violence and how this connection works to leave women without protection while punishing them for protecting themselves and their children. This original research addresses policy issues that arise out of the analysis of the lives and cases of these convicted women survivors.