Journal of Qualitative Criminal Justice & Criminology

Book Review | Battered Women Doing Time: Injustice in the Criminal Justice System

Cortney A. Franklin¹

¹Sam Houston State University

Published on: Aug 15, 2020

License: [Creative Commons Attribution 4.0 International License \(CC-BY 4.0\)](https://creativecommons.org/licenses/by/4.0/)

Rachel Zimmer Schneider. *Battered Women Doing Time: Injustice in the Criminal Justice System*. First Forum Press, 2014; 152 pp.; ISBN: 9781935049791.

Advocacy and scholarly attention directed toward the plight of battered women began in the mid-1970s (del Martin, 1975). Since that time, a host of research has been conducted on the incidence and prevalence of domestic violence, the dynamics of battering relationships (LaViolette and Barnette, 2014), the predictors of why men batter, and the risk of increasing harm for survivors who are courageous enough to leave domestically violent relationships. As Lenore Walker (1977) so insightfully recognized in her early work using a sample of sheltered women who had escaped a domestically violent partner, these relationships are characterized by specific stages and psychological symptoms that manifest as an inability to see a way out, illustrated by the battered woman's syndrome (BWS). Several seminal works have been published on BWS (Walker, 2009), including research on battered women who kill their abusers (Ewing, 1987) and the often disappointing legal response that seems to protect a male-centered justification for self-defense in instances of lethal harm (Gillespie, 1989).

Schneider's qualitative work is a unique and important contribution to this literature because it provides details drawn from a selection of cases from 120 Ohio women who were imprisoned for murdering their batterers and who subsequently applied for clemency in the 1990s. This marked a period of time during which the state of Ohio was reconsidering its court decision-making in light of evidence to support BWS and the legality of self-defense in this context. The majority of these women were denied their clemency requests; however, Schneider's book illustrates, with painstaking detail, the lives of the 26 women granted freedom, their early histories of relationship abuse, and the long-term challenges they faced upon being released from prison decades after their incarceration. Her interviews span a range of subjects over 20 years, including 13 women granted clemency and 12 women who were denied clemency. Conversational interviews were conducted in homes, restaurants, and at the women's places of employment. Interviews with the women still incarcerated took place at four correctional institutions in the state of Ohio. For those women who were granted clemency, Schneider's stated focus for this research was to better understand the depth of challenges faced by the women in their interpersonal relationships, the array of mental and physical health challenges they faced post-abuse and post-incarceration, their spirituality, and the way their life experiences impacted their "sense of self" (2014, p. 9); included were their histories of profound abuse. The book is organized chronologically to follow the lives of the women she interviewed. We learn of their childhood histories, their dysfunction with adult relationships, their court experiences, the clemency process, and their struggles during the aftermath of their release.

Schneider's interviews uncover an all-too-common pattern in the lives of battered women. Indeed, their histories of adult abuse began in what would have appeared to be benign relationships but these trajectories quickly transitioned into escalating violence. Women described regular beatings, a lack of police protection (Lutze & Simons, 2003), and a sense of helplessness. Consistent with existing research, these women became adept at surviving within the bounds of a toxic relationship (Walker, 1977). Many women experienced childhood violence in their families-of-origin and identified the extent that this played a role in later revictimization (Widom, 1989); they characterized this violence as turning-points in their life narratives. Reading through detailed case histories in Schneider's early chapters, it is evident that these women's lives are textbook examples of the worst and most violent relationships. To be sure, women killed their batterers during violent physical confrontations or after severe beatings, being stalked, or having their children threatened. Two women shot their abusers as the men slept—a fundamental sign of distress and learned helplessness.

After the murders took place and once the women entered the criminal justice system, many found that even mention of abuse in their relationship negatively influenced their system processing. Indeed, research on gender and court-decision making has consistently demonstrated that an “ideal victim” is looked upon more favorably than those less worthy, and this has influenced case outcomes (Franklin & Fearn, 2008). For battered women who killed their abusers, fighting back only furthered exacerbated the negative stereotype of women in domestically violent relationships. Rather than enhancing empathy, women were met with increasing hostility. Until the 1990s, BWS was often inadmissible in court, little knowledge was available to the average community member or juror, and expert testimony provided by clinicians was not typically permitted.

After conviction and sentencing, Schneider's interviews reveal the women's sense of betrayal by the justice system, which was compounded by the lack of police protection during the 1970s and 1980s when battering was a private family matter. To make matters worse, Schneider exposes the conditions under which these women were incarcerated. Women were kept in facilities that fostered further abuse and were without gender-responsive or gender-appropriate programming. This is something that remains problematic into the 21st century despite the expansion of the female prison population (Sharp & Muraskin, 2003). Adjustment to prison for many women assuaged illogical feelings of fear that their batterers, though dead, would seek revenge. In essence, they felt safer behind bars. Surprisingly, they found themselves transitioning from victims to survivors—a pseudo-healing process ensued in the most unlikely of places.

Perhaps one of the most instructive components of Schneider's work is the way she juxtapositions the women who were denied clemency with those whose clemency was granted. Two chapters are devoted to detailed interviews and discussion. Among these two groups of women, little differences emerge in terms of family histories of abuse or the battering trajectories in their adult relationships. Despite this

lack of significant difference, those denied clemency remained convicted murderers incarcerated in correctional facilities with options for transformative programming and prison consciousness-raising groups while reassuring themselves that they were not “bad people” (2009, p. 65). They found themselves empowered but unable to flourish. Many looked to spirituality for healing. The prison environment required that they navigate the dangers of male correctional staff, the subpar health care provisions, the loss of connection to children and loved ones, and the “tortuous” (p. 83) and “abusive” (p. 84) parole process. These sentiments are not surprising given the male-dominated nature of the prison complex and the ways in which correctional institutions have been designed by men for men; there has been little consideration for women inmates (Rafter, 1997), particularly the majority of whom who have significant abuse histories (Chesney-Lind & Pasko, 2004).

In contrast, those granted clemency, whether pardoned or commuted, were no longer sitting in prison. Schneider notes, however, they had their share of demons with which to reconcile. In one substantial way, these women were different, for they felt vindicated. Knowing the Governor believed them, they felt it would be easier to explain their situation to others. The aftermath of release did not prove easy. Women had difficulty with life on the outside as it pertained to dealing with questions about where they had been, and why they were unable to navigate the fast-paced environment to which they were not accustomed. Several suffered PTSD symptoms which were only exacerbated by the whirlwind pace of life in the free world and the fear and hypervigilance this produced. Women struggled with housing, community service for domestic violence shelters, and the stigma of a felony conviction for those who were only pardoned and whose sentences were not commuted. Women often turned to alcohol as a coping mechanism and struggled with long-term mental and physical health consequences from their abusive relationships, difficulties re-establishing relationships with their children, and significant hesitation in entering intimate partnerships with men. Their post-traumatic growth process was lengthy, difficult, and plagued by serious hurdles.

The contribution made by Schneider’s book cannot be understated. Interviews provided in her book directly support much of what we know about domestically violent relationships and battered women, but add to that knowledge through careful consideration of the criminal justice processing of battered women who kill and the lackluster support they received by police and court officials, particularly as was the case in the 1970s and 1980s. As readers, we are engulfed in the difficulties these women face in navigating a prison environment that simultaneously protected and disempowered them and are equally devastated by the palpable disappointment for those women denied clemency who had to live out their days in Ohio’s correctional institutions. Similarly, the plight of those released, while not as bleak, brought a host of unanticipated challenges that shed light on the long-term consequences of abuse, serving time in prison, the stigma of battering, the difficulties in reconnecting interpersonally, and the unabated stereotypes still fostered by society’s general population about domestically violent relationships and battered women. Schneider succeeds in producing empathy for these women and

outrage at a justice system that has fallen short in fulfilling its responsibility to look out for the most powerless among us.

References

- Chesney-Lind, M., & Pasko, L. (2004). *The female offender: Girls, women and crime* (2nd ed.). Los Angeles, CA: Sage.
- Ewing, C.P. (1987). *Battered women who kill: Psychological self-defense as legal justification*. New York, NY: Lexington Books.
- Franklin, C.A., & Fearn, N.E. (2008). Gender, race, and formal court decisionmaking outcomes: Chivalry/paternalism, conflict theory, or gender conflict? *Journal of Criminal Justice*, 36, 279-290.
- Gillespie, C.K. (1989). *Justifiable homicide: Battered women, self-defense, and the law*. Columbus, OH: Ohio State University Press.
- LaViolette, A.D., & Barnett, O.W. (2014). *It could happen to anyone: Why battered women stay* (3rd ed.) Los Angeles, CA: Sage.
- Lutze, F.E., & Symons, M.L. (2003). The evolution of domestic violence policy from masculine institutions: From discipline to protection to collaborative empowerment. *Criminology and Public Policy*, 2, 319-328.
- Rafter, N.H. (1997). *Partial justice: Women, prisons, and social control*. New Brunswick, NJ: Transaction Publishers.
- Sharp, S.F., & Muraskin, R. (Eds.) (2003) *The incarcerated women: Rehabilitative programming in women's prisons*. Upper Saddle River, NJ: Prentice Hall.
- Walker, L.E. (1977). Battered women and learned helplessness. *Victimology*, 2, 525-534.
- Walker, L.E. (2009). *The battered woman syndrome* (3rd ed.). New York, NY: Springer Publishing Company.
- Widom, C.S. (1989). The cycle of violence. *Science*, 244, 160-166.