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Use of Battered Woman Syndrome in the Courts: Perspectives of Public Defenders in a Homicide Division

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Abstract

This paper examines the issue of battered woman syndrome (BWS) from a radical feminist sociological and criminological perspective. The literature review examines the issues of BWS, problems with the "reasonable man" standards for self-defense, and complications inherent in attempting to use BWS as part of a defense strategy in the American criminal courts. Using data from interviews with 7 public defenders in a large East Coast city of the United States, results of the interviews indicate that the use of BWS in the courts is complicated by many factors, especially the need for a psychiatric diagnosis and/or expert witness testimony, the fact that psychiatrists, and often the courts, do not recognize BWS as a legitimate syndrome, the need for clear and convincing records of previous abuse and symptomatic trauma, and the need for reliable testimony from the perpetrator to make their self-defense based case. This research takes a radical feminist view of BWS, which is an empathetic view for the plight of women in these situations. Interviews analyzed through a radical feminist perspective revealed that while 5 of 7 of the public defenders took an empathetic view of their clients, only 4 of the 7 held a positive view of using BWS as part of a self-defense-based strategy in a trial, sentencing, or plea negotiation. Overall, while some public defenders found it useful, some tried to avoid using it in their defense strategy, even when they believed it was relevant, due to difficulties with its application.

Keywords

Battered Woman Syndrome (BWS), Intimate Partner Violence (IPV), Women Who Kill, Female Criminality, Public Defenders, Homicide, Feminist Criminology, Feminist Sociology, Radical Feminism

1. Introduction

This research is an examination of the issue of using battered woman syndrome (BWS) in the American courts, which can be used in certain circumstances as part of a self-defense argument, or which could be used as a mitigating factor in plea negotiations or sentencing decisions. Drawing on open-ended interviews with 7 homicide division public defenders, this study uses qualitative analysis to explore their experiences with, and attitudes towards, the use of BWS in the courts. Further, this research seeks to understand how the public defenders themselves view their female homicide defendants in these situations, using their responses about empathy for their clients to better understand their point of view. Interview responses are analyzed from a radical feminist perspective, seeking to better understand the gender-related issues which complicate the handling of these homicide cases in the courts.

2. Literature Review

2.1. Feminist Theory

Women can and have been major players in the realm of sociology. They have been social reformers and pioneers of various sociological theories. Many of their theories share similarities, including practicing critical rather than descriptive or explanatory analysis, emphasizing women's experiences, lives, and works as being as important as men's, a conscious awareness, and a concern with domination as the chief practice by which inequality is maintained. Though their contributions were many, they were often overlooked. Eventually, feminist theory branched into several different subsections such as liberal, Marxist, socialist, and radical feminism (Leighton et. al, 2024; Lengermann & Niebrugge, 2019).

As argued by Lengermann and Niebrugge (2019) in a theoretical overview of feminism, radical feminism is based on "two emotionally charged central beliefs (235)". The first is basically to assert the human worth of females in what they deem is a world filled with misogyny built into many norms, values, traditions, cultures, and social structures. The second is the idea of universal patriarchy as a social pattern throughout human history, impacting all human societies, and influencing the sustained development of every social system and culture throughout the world. Radical feminists see in every institution and in society's most basic structures systems of oppression in which men dominate women, or masculinity trumps femininity, in power and respect. Of all the systems of domination, the most fundamental system of oppression is gender, the system of patriarchy. Patriarchy normalizes male domination and female subordination in language, social interactions, and domestic abuse against women. Though the violence may take many forms, the theme of violence as overt physical cruelty lies at the heart of radical feminism's linking of patriarchy to violence. This would include instances of rape, sexual abuse, femicide, trafficking in women and children, spousal abuse, incest, domestic violence, all of which take away from the human dignity and even self-respect of women in a misogynistic culture.

Radical feminist theory therefore argues that to defeat patriarchy, a basic reworking of women's consciousness must occur (Lengermann & Niebrugge, 2019) which includes taking of one's self esteem and power back in a fight to change and dismantle patriarchal structures of oppression and abuse. Women who kill an abuser certainly are taking their power back, in an unfortunate and extreme manner, but nevertheless, their desperation and homicidal actions are, from a radical feminist view, an unfortunate situation which cannot be avoided with current gender discriminatory support structures for women in abusive situations. A radical feminist view of BWS and women accused of killing in such circumstances is therefore an empathetic perspective, taking into account the failure of current laws, law enforcement, and court processes to handle these situations with sensitivity and fairness for all involved.

Leighton et. al (2024) describe the radical feminist view by observing that the focus of the perspective encourages criminologists to focus on violence and victimization in women's lives, gendered violence such as intimate partner violence (IPV), sexual assault, and the impact of male's violence on the occasional causation of female attempts to fight back, literally or figuratively, for their own lives. Leighton et. al (2024) also describe the features of radical feminism as including the following set of ideas and assumptions: that Marxist and socialist feminist views ask women to change to fit patriarchy, instead of asking women to fight back against it; that a male-dominated societal structure is the culprit (not women's choices) for many social problems in society. In sum, the radical feminist view suggests one must work to change the social structures which both determine and allow to persist the forms of domination, control, and abuse endemic to many realms of modern society.

A radical feminist criminological view suggests female perpetrated crime represents an act of defiance and taking on of male aggressive actions into the woman's hands. Whether it be fighting back physically against an abuser, or fighting for economic prosperity with insider trading, female crime can be seen as a reaction to the patriarchal abuse of power which dominates women's lives in every sector. Abuse of women can be seen from this view as an attempt to keep women in subservient roles by taking away their symbolic power through destruction of physical, sexual and mental health. In *When Battered Women Kill* (1987), Browne reports in her groundbreaking qualitative study the excruciating experiences of physical, psychological, and sometimes sexual abuse suffered by women in intimate relationships with men they loved. Some of her female sample ended up killing their partners, while others did not. Browne found that women who killed typically endured more severe abuse—including sexual violence, threats or harm to children or pets used as control—and lived in contexts where police, family, and neighbors were either too afraid or too ineffective to intervene. Browne also presented extensive psychosocial backgrounds of both the women and men involved in the cases of abuse covered in this book, and the respectful way their trauma is presented assists in understanding the complexities of the cycle of abuse

and how victims and perpetrators alike get caught up in the destructive flow of events. Browne found that women who killed typically endured more severe abuse—including sexual violence, threats or harm to children or pets used as control—and lived in contexts where police, family, and neighbors were either too afraid or too ineffective to intervene.

2.2. Battered Woman Syndrome

This section looks at some of the existing research that covers topics relevant to the concept of BWS. The use of BWS is not a universal concept in the courtroom. Yet, this concept, coupled with the ideas of battered spouse syndrome and battered person syndrome, assists in explaining the outcomes and processes involved in some verdicts of intimate partner, familial, or non-stranger-perpetrated homicides. The research surrounding battered woman syndrome's use in the courts is discussed and assessed from a radical feminist perspective in this literature review, paving the way for our own qualitative analysis of public defender interviews with attorneys who represented women who killed an allegedly abusive partner (or similar other) in the criminal courts.

Battered woman syndrome (BWS) can be defined as psychological and behavioral symptoms that often occur after a woman has been repeatedly physically, sexually, and/or psychologically abused in an intimate partner relationship (Walker, 2017: pp. 49-50). BWS was initially researched in a study conducted by Lenore Walker in 1984, funded by the U.S. National Institute of Mental Health (NIMH). Her study looked at women who fit the definition of battered women. The study consisted of 400 women found to be battered across six states, each of whom was given an interview and multiple tests that took up to six hours to determine symptom manifestation of IPV. This study was the beginning of the development of the Battered Woman Syndrome Questionnaire (the BWSQ).

Over the next four decades, the BWSQ was revised for reliability and validity (Millen et al., 2019). Millen et al. (2019) conducted a qualitative study with 282 women recruited from diverse settings, including from community advertisements and correctional facilities. Their research examined several dimensions associated with BWS—such as interpersonal functioning, sexual difficulties, body image concerns, and post-traumatic stress symptoms. They found that the Battered Woman Syndrome Questionnaire (BWSQ) demonstrated reliable and stable measurement across the diverse sample, suggesting that it is a useful tool for assessment of BWS. Although Walker conceptualized BWS as a PTSD-related response to prolonged intimate partner violence from a social scientific perspective, BWS is not a DSM diagnosis, which would represent legitimacy as a syndrome by psychiatrists.

According to several researchers (Hale & Menniti, 1995; Walker et al., 2022), BWS as part of a self-defense argument has not been widely accepted in criminal courts, and its use across states is largely lacking uniformity. Psychological expert witness testimony on BWS and formal forensic evaluations only began being in-

troduced into the court/criminal proceedings in the 1980s (Walker et al., 2022).

Historically, society lacks understanding and empathy when it comes to the complexities of how battered women cope with the abuse they face, and how they decide to escape the danger (Browne, 1987; Hale & Menniti, 1995). With an inconsistent success rate, some state and federal laws have changed for BWS testimony to be acknowledged and the definitions of acceptable lethal force cases where BWS is present has been expanded(Walker et al., 2022).

From a radical feminist perspective, one could assert that issues of BWS are ignored in the courtroom due to societal, judicial, prosecutorial, defense attorney, or potential jurors being unaware of the potential importance of BWS to cases handled by the criminal courts. Women who have been victims in domestic violence are at risk for perpetrating homicide when they are attacked by an intimate partner (Campbell, 2007), proving the need for forward thinking in the courtroom where BWS is present to protect women's right to self-defense where an intimate partner is concerned.

2.3. Battered Woman Syndrome and Post Traumatic Stress Disorder

The idea of BWS can best be understood in terms of its similarity to and relationship with the more widely used and psychiatrically accepted idea of post-traumatic stress disorder. Post-traumatic stress disorder (PTSD) is a mental health disorder that develops after a traumatic event. Battered woman syndrome (BWS) is considered a subcategory of PTSD and can affect a woman's mental and physical health (Walker, 2017). Symptoms accompanying PTSD can include, but are not limited to, anxiety, isolation, nightmares, headaches, and a racing heart (National Institute of Mental Health, 2025). According to the Diagnostic and Statistical Manual of Mental Disorders (American Psychiatric Association, 2022), while PTSD symptoms are similar for both men and women, the prevalence rate is 8%-11% for women and 4.1% - 5.4% for men, based on two studies done using DSM-5 standards. The differences in prevalence rates between men and women can be attributed to the increased chances, for women, of facing sexual abuse and other violence (American Psychiatric Association, 2022: p. 311).

Of the seven symptoms of BWS complied by Walker (2017) listed below, the first four symptoms fit the criteria for PTSD, while the last three symptoms are more specifically connected to IPV, abuse, or aggression that occurs in a romantic relationship (Centers for Disease Control and Prevention, 2024). The following symptoms have been scientifically verified and can be used as an indicator of BWS (Walker 2017):

- Intrusive recollection of the trauma event(s);
- High levels of anxiety and arousal;
- Avoidance behavior and emotion numbing;
- Negative alterations in mood and cognition;
- Disrupted interpersonal relationships;

- Body image distortion and/or somatic or physical complaints;
- Sexual intimacy issues.

Although Walker conceptualized BWS as a PTSD-related response to prolonged intimate partner violence from a social scientific perspective, evidence of which can be identified by the symptoms above, BWS is not a standalone DSM diagnosis and has not been included in the most recent version of the Psychiatric Manual (American Psychiatric Association, 2022).

2.4. Battered Woman Syndrome Use in Criminal Proceedings

Unfortunately, there is no standardization to the admissibility of evidence of BWS throughout the state courts (Hale & Menniti, 1995). According to Hale and Menniti's (1995) theoretical review of BWS in the courts, there is no uniformity in the way BWS is treated by the courts. Hale and Menniti explain there are several different ways courts in the United States tend to handle admissibility of BWS:

- Testimony for it is not admitted into evidence because it is irrelevant.
- Allows testimony on BWS syndrome at the sentencing hearing only.
- Testimony is only permitted to prove imminent danger as part of a theory of self-defense.
- Use testimony as a part of a theory of self-defense whether imminent or not.
- BWS is admitted as part of the post-traumatic stress disorder defense.
- Only expert testimony is permitted.
- Any person's testimony is permitted.

Uhrig (2024) examined federal appellate cases regarding admissibility of BWS testimony in BWS centered duress cases and found that four federal circuit courts allow BWS testimony in these cases, while two do not allow it (the 5th and 10th circuit courts). Uhrig (2024) argues that because BWS evidence can assist courts in evaluating the reasonableness of a defendant's perceptions and actions in self-defense cases, it should likewise be admissible in duress cases. In duress cases, an individual is compelled to commit a crime due to threats or coercion, whereas in self-defense cases, an individual uses force to protect themselves from an aggressor. Both defenses often depend on whether the defendant reasonably believed they faced an imminent threat under the circumstances. However, an important distinction exists between the two defenses: duress excuses criminal conduct because it was committed under coercion, while self-defense justifies the use of force to prevent or repel a threat. Although issues related to BWS may arise in both duress and self-defense cases, no uniform federal rule requires courts to admit BWS evidence in either context, and admissibility remains subject to judicial discretion and jurisdiction-specific precedent.

According to Dalimonte (2023), BWS is not to be thought of as a separate criminal defense; in fact, they point out that BWS is often used as testimony in conjunction with a defense of duress or in a self-defense-based case. Dalimonte (2023) explains that historically, BWS has been most commonly used as evidence in self-defense cases where someone has been charged with killing their alleged abuser,

but its use has also been extended to other situations and types of cases, for example, not acting in defense of another due to duress. In these cases, the victims of IPV are charged with committing crimes of non-action against third parties (such as failing to come to the aid of a child the abuser is harming in front of them, ostensibly due to BWS). When BWS is utilized in these duress cases, it is done in the form of permitting experts to testify to BWS and to enhance the court's understanding of the impacts of BWS on the behavior of the accused at the time of event in question (Dalimonte, 2023). Dalimonte (2023) argues that application of the duress defense helps to achieve three possible results. The first result is proving the requisite elements of the duress defense. This generally includes demonstrating the perceived imminence of a threat and the perceived absence of viable alternatives to their actions. The second result allows expert testimony to strengthen a BWS defendant's credibility in terms of the judge/jury believing their interpretation of events and their perceptions. Third, the application of expert testimony is employed to rebut any commonly held misconceptions or stereotypes surrounding BWS. Dalimonte (2023) points out that this educational component of introducing a BWS expert into the court proceedings can help jurors/judges better understand the nature and dynamics of abusive relationships, of which they are often unfamiliar.

Recently Casimiro (2026) used federal case law analysis, and a comparative analysis of circuit court rulings on admissibility of evidence to examine the use of BWS in self-defense duress cases. Casimiro found inconsistency in the admissibility of BWS evidence in the circuit courts and argues for trauma-informed reforms. Casimiro identifies gender bias in the legal system's tendency to measure a survivor's conduct against a generalized "reasonable person" standard without fully accounting for the effects of sustained intimate-partner abuse, ignoring the now well understood impacts of continued abuse and the science behind it.

According to Holliday et al. (2022), the concept of BWS has helped shape the legal interpretations of the imminence of perceived threats in self-defense cases. Expert testimony regarding BWS has helped explain a defendant's reasonableness in terms of fear of imminent harm. Allowing expert testimony on BWS allows the jury to see the perceived imminent threat, thereby giving the court a better ability to sentence defendants accordingly. The use of BWS in cases of duress has also proved to be beneficial. *López-Correa v. United States* (2020) provides a prime example of the potential that comes with the use of BWS in cases of duress. In this case, the defendant was charged with aiding and abetting the production of child pornography. She argued her actions were committed within the context of abuse, as her co-defendant had taken her hostage and physically and sexually abused her. She was not allowed to present BWS testimony at her first hearing. After she had appealed her first conviction, the defendant was able to get it vacated on the grounds that if BWS evidence were to have been presented, a jury would not have found her guilty beyond a reasonable doubt (Holliday et al., 2022).

The concept of BWS has also been used in a prosecutorial sense (Holliday et al.,

2022). Prosecutors have raised BWS in criminal proceedings in relation to victim testimony in IPV cases. In the Connecticut Supreme Court case *State v. Borrelli* (1993), a woman gave initial statements in evidence collection about her husband assaulting her, but then later recanted the statements at trial. The prosecutors were able to use BWS to aid their prosecution and explain why the woman had recanted her statement even though she had in fact been assaulted (Holliday et al., 2022). So it seems that BWS has uses that benefit both defense attorneys and prosecutors, depending upon the specifics and circumstances surrounding the gender-related violence case.

2.5. Challenges of Using Battered Woman Syndrome

Dalimonte's (2023) research states that some courts are hesitant to extend the admissibility of battered woman syndrome to any context outside of self-defense. Courts that do not admit expert testimony about BWS typically do so by labeling the evidence as subjective, and therefore irrelevant to the objective of proving duress (Dalimonte, 2023). In other words, there are courts that do not see the idea of battery as an imminent threat that would warrant retaliation as severe as it is in some cases.

Several recent articles have discussed the problems with the application of the reasonableness standard in BWS delf-defense based cases (Casimiro 2026; Holliday et al. 2022; Uhrig 2024). This scholarship of recent years includes the idea that the traditional "reasonable man" standard in self-defense law is structurally incompatible with the lived experiences of battered women. As Holliday et al. (2022) note, the standard assumes a response pattern grounded in male-normed perceptions of danger, ignoring how chronic abuse shapes threat assessments of individuals and survival behavior.

Casimiro (2026) argues that this mismatch between the experiences of women and the reasonableness standard becomes even more pronounced in duress cases, where courts applying an objective reasonable person test routinely fail to account for trauma-induced hypervigilance, learned helplessness, and the cyclical nature of coercion. Further, Uhrig (2024) concluded that without trauma-informed modification, the reasonable man or reasonable person standard systematically disadvantages battered defendants by measuring their actions against a hypothetical actor who has never experienced battering.

Issues of IPV also bring up the intersection of demographic variables such as race, class, and gender, while, of course, both men and women experience IPV victimization (Adair-Russell et al., 2024). The gender of the defendant can perhaps impact the leniency the jury has on the defendant. Female defendants are significantly less likely to be found guilty than male defendants (Adair-Russell et al., 2024). The race of the defendants may also play a slight role in the verdicts passed down. It was found by Mossière et al. (2018) that Black defendants were treated with more leniency than white defendants, for example. In sum, the issues of intersectionality in regard to power structures by race, gender, socioeconomic sta-

tus, and the need to rely on a public defender caused by poverty and lack of access to quality assistance in a life-altering situation (being arrested for homicide) are important to understanding the issue of BWS in America today, especially in the sample used in this study, described in the Methods section below.

3. Methods

The data collection for this research stems from interviews with 7 public defenders in a homicide division of a large U.S. mid-Atlantic city, with IRB approval from the first author's institution. All the public defenders of the Homicide Division (12 full time attorneys worked in the Division) were invited to participate in the study by communicating with the Chief of the Division ahead of time and letting them know the two days the first author would be in their office conducting the interviews. All of the public defenders had experience working with female clients whose crimes could arguably involves issues of BWS; but men made up over 95% of their clientele on a yearly basis, so homicides committed by females were the minority of cases they each handled. Interviews were conducted in-person over that two day period in a conference room at the Public Defender's Office by the first author (with permissions from the University IRB as well as the Chief Public Defenders of both the overall Public Defender's Office and the Homicide Division). Verbal consent was gained at the start of each interview after going over the consent to research statement carefully and making certain all their rights were understood. After going over the Consent Form, nobody interested in participating declined to be interviewed or failed to complete the interview. Interviews lasted between 45 - 65 minutes, and the questions analyzed in this study are part of a larger study: the interviews included several other questions, the results of which were already revealed in Field, Bentz, and Zizzo (2023) regarding the work experiences of the public defenders.

Six of the interviews were digitally recorded and later transcribed. One public defender (Respondent 2) did not feel comfortable being recorded, so her responses were written down by the interviewer. Interviews consisted of several demographic questions, followed by open-ended questions about the handling of homicide cases and questions about their own personal on- and off-the-job resilience and success strategies.

Highlighted in this article are the responses of these 7 public defenders to several questions about their perceptions of the usefulness of BWS in their defense of battered women who killed someone, how they approach the rare cases wherein a woman is the defendant in their homicide division (where most accused they represent are men), and whether or not they find themselves able to empathize with their female clients as they work these sensitive and tragic cases.

The specific interview questions analyzed for this project include the following:

- Please describe the typical case coming into this homicide division wherein the defendant is a woman.
- In what ways can you empathize with the typical female clients coming into

your office facing homicide charges?

- In your opinion, how important is BWS in the defense of females accused of killing a romantic partner?
- What are the challenges associated with trying to use BWS in the courts as a defense for your female clients?

Interview responses to the above questions were analyzed by the first and second authors using a hand-coding process designed to identify recurring themes and patterns relevant to the study's research questions. All interview responses were reviewed for any mention of specific challenges, problems or complications associated with defending women accused of homicide in BWS relevant situations.

Queston 2 asked directly about their empathy for their female clients, so their responses were clear and direct. Further, their responses to all the questions were coded to locate either positive, negative, or neutral/mixed statements indicative of their attitudes towards the usefulness of BWS in the courts for their female clients in relevant situations. If a respondent made consistent positive statements about BWS, they were coded as holding an overall positive attitude about BWS. The same for those making consistently negative statements about BWS use in the court or pleas processes. Those respondents who made both positive and negative statements several times about the use of BWS in their answers to the 4 interview questions were put into the neutral/mixed attitude category as far as their perceived attitude toward the use of BWS in relevant cases. Lastly, noteworthy assertions about the specific "challenges or complications" with the use of BWS in the courts for their female homicide clients wherein such a syndrome might apply to either the plea negotiation, trial, or sentencing phases were coded and examined for their responses to all 4 questions.

Analyzing the responses through a criminological theory lens, themes emerged which align with a radical feminist view, with 5 of 7 expressing empathy for women in BWS-related cases and many challenges to structural inequalities within the legal system and society which disadvantage women were mentioned by respondents overall as being involved in these BWS cases.

4. Results

After qualitative coding of the interviews with the seven public defenders, numerous interesting results were revealed. Refer to Table 1 for an overview of the main results regarding attitudes towards using BWS in their cases and for basic descriptive information about the respondents. There were four male public defenders interviewed and three females; six indicated being Democrats, one considered himself a Republican, and all but one of the respondents were white. These seven respondents made up just over half of the 12 attorneys in the Homicide Division in this large public defense office. Attorneys in this Homicide Division worked each case with a public defender partner, so they were able to divide workloads and tasks on each case and make certain each defendant had the attention they

needed. The average age of the respondents was 57, and they represented a very experienced group of attorneys with an average of 26 years on the job as public defenders.

Table 1. Demographic characteristics and professional backgrounds of respondents.

Respondent	Age	Race	Sex	Years of Experience	Prior Occupation	Political Party	Empathy for Clients	Attitude toward BWS
1	61	W	F	27	Program administration for the Girl Scouts	Democrat	Yes	Positive
2	55	W	F	27	Dorm parent in Chicago for female juveniles	Democrat	Yes	Positive
3	69	W	M	30	Civil work for the military; Vietnam veteran	Republican	Yes	Positive
4	50	W	M	19	Refugee advocate in South America	Democrat	Yes	Neutral
5	69	W	M	33	Math teacher	Democrat	No	Negative
6	55	B	M	30	None	Democrat	No	Positive
7	43	W	F	16	Medical publishing/legal secretary	Democrat	Yes	Neutral

Note: BWS = battered woman syndrome. W = White; B = Black; F = female; M = male.

4.1. Empathy

Five of the seven respondents indicated they had empathy for their female homicide defense clients. Looking further at the breakdown of responses, the male attorneys were split, with two saying they could empathize with female clients, and two saying they could not. For the female respondents, all three indicated having some empathy for their female clients charged with homicide. The empathetic respondents all expressed empathy in different ways, many of which focused on the acknowledgement of the trauma the women who killed had suffered in their lives.

Respondent four (50-year-old male) stated, "I mean I try to be empathetic, but I think there also has to be some level of separation as their lawyer…I'm their lawyer, I'm not their counselor, I'm not their friend". Later, respondent four admitted that he relied heavily on his female public defender partners to "deal with" female clients "on a human level" and suggested that the female clients expect that more than the male clients. In relation to his reliance on the female public defenders getting to know the female clients for him, "...I think women maybe respond to that better; maybe that's a fault of mine that I'm not able to do that, in some cases". So, while respondent four did indicate empathy for female homicide defense clients, he struggled to empathize fully as a man and therefore relied on his female defense team member to assist with expressing such empathy to the clients and communicating with the clients on their cases.

Respondent three (69-year-old male) explained, "I think in a lot of these cases

they're victims, they're real victims…they never had a chance". Respondent one (61-year-old female), with twenty-seven years of experience as a defense attorney offered an interestingly empathetic perspective. She started her professional career out working with the Girl Scouts, going to law school to complete higher education for an executive track, found her calling in civil work and then decided to become a trial attorney in criminal law. On her ability to express empathy for female clients with homicide charges, respondent one emphasizes:

> I think as a woman I can understand what a woman may be going through, however I have to qualify that and say I didn't grow up in poverty, I didn't grow up addicted to drugs, I didn't grow up either seeing domestic violence or being a victim to domestic violence, so you can only imagine what they must be going through. (respondent one, 61-year-old female)

Respondent one's capacity to empathize with typical male clients was more diminished.

> I can imagine getting into a fight with somebody and defending myself or even peremptorily defending myself, but the notion of walking into a store and robbing it by pulling out a gun and saying "stick 'em up'", I can professionally relate to it, but it's hard to empathize with it. (respondent one, 61-year-old female)

Referencing how typical female defendant cases involve killing a partner or defense against abuse and male clients being more aggressive and violent, respondent one provided insight into how some defense attorneys like herself feel more empathy for an abused woman who is accused of killing a partner, yet they struggle with the abruptness, randomness, and selfishness of typical male scenarios of homicide which come into their public defense homicide division for representation.

The other two male respondents either stated they did not have empathy for clients or that their role as defense attorney means the professional route takes precedence, and they try to remain emotion-free. For example, respondent five's distinct response when asked if he can empathize with the typical female client with homicide charges was, "I don't know that I can", and then continued with, "I know that in general it bothers me more to see a woman in prison than a man". Neither of these statements expresses empathy for the female clients, and like respondent four, he indicated giving women on his team more responsibility for handling communications with the female clients and their family members who inquired about the case. He explained how his female partner is "....more of a people person than I am. I mean it turns out when we meet families we both give our phone numbers…she gets the overwhelming number of phone calls from the families, which is fine with me". So, in a similar manner to respondent four (who did indicate empathy), respondent five stated that he relied on his female defense attorney partner to empathize with the female clients.

Respondent six (55-year-old male) explained that he is unable to empathize

with his female homicide clients and that he focused on approaching his clients professionally and building a relationship of trust with them first and foremost. When asked about empathy, he replied, "Empathize…that's a heck of a thing. I will say I'm a professional and because of that I try to talk with them in a rational way to get them the services they need to make good decisions…" Respondent six continued on saying, "I don't empathize or sympathize with them; I approach all of my clients as a professional…and part of my role as a lawyer is to gain the trust and have a relationship with the client". Later in the interview, though, when commenting about BWS and whether he believed women who kill in such circumstances should be criminally charged, he quickly and humorously stated, "I'm a defense lawyer, not guilty!".

Another defense attorney indicated she tried to keep a professional attitude toward the cases, yet she does empathize with the clients. She warns that if a defense attorney has too much empathy for their clients, they will "burn out" on the job.

> I don't know, I mean, in our office we sometimes refer to each other as "the land of missing toys". It takes tough skin to do this kind of work. To one extent it does take this empathy, you have to have it, but it can't be overwhelming or you're going to burn out, that's the biggest thing in our office is not to burn out. I guess I'm struggling with this question because last week I got into a verbal argument with a client which is just not the professional quality that you want to have as a defense attorney, but I think it happens to everybody where all of a sudden you go like that and you just have got to gather yourself up. It's not a moment I'm proud of…. (respondent seven, 43-year-old female).

4.2. Attitudes about BWS

Out of the seven respondents, four had positive attitudes towards the use of BWS in the courts, two had neutral attitudes, and one had an overall negative attitude. Positive attitudes towards the use of BWS stood out in the results after coding the interview responses of four public defenders interviewed in various ways, for example:

> We were lucky with respect to ----------'s (names a female defendant they used BWS for in her defense) case in terms of all the neighbors who knew what had gone on for her and we were lucky because the husband would do things like take a television that she was able to buy and throw it over the fence….so he was very public with his abuse. (respondent one, 61-year-old female)

Respondent two, a 55-year-old female, stated: "It's useful in cases where the man is not physically attacking her at the moment… like when he's sleeping".

Respondent three, a 69-year-old male, stated: "But these cases where you have a documented history of abuse, you know… but first of all people can understand how it got to that point, and secondly, the victims are not that sympathetic".

> But when it doesn't happen in the course of a battering it's just a hard sell to convince people, you know, why didn't she just leave? And it involves an expert who, quite frankly, often sound to me like they're full of shit. I don't know, and I hate to have my case rest on an expert. And there's going to be an expert on the other side. (respondent 5, 69-year-old male)

4.3. Challenges and Complications of BWS

When it came to attitudes towards using BWS as part of a defense strategy in the courts, the defense attorneys also expressed many concerns with its use, often due to the very same issues covered in the literature review of this paper. In general, the public defenders expressed complications with using BWS in the courts in relevant cases due to various co-existing problems such as extensive documentation needed to establish a history of abuse, the difficulty inherent in getting a willing defendant to testify reliably to her victimization, and a common lack of evidence regarding the psychological state of the perpetrator of the homicide at the time of the crime.

Several of the respondents expressed concerns and annoyance with added complications of the law not really being able to apply well to these kinds of cases with their "reasonable person" standards for women in unreasonable situations. Several respondents mentioned judge and jury doubt, disbelief, ignorance and disrespect for the ideas commonly understood in academic and mental health professional circles regarding IPV. Several respondents cited ignorance of the concept of BWS by prosecutors, judges, and potential jurors. All of their concerns must also be placed in the context of a psychiatric community that does not even mention BWS in the DSM-5 (American Psychiatric Association, 2022), of course.

> The big thing is homicide's a pretty serious crime and most of these cases are not sympathetic from any way you look at it, but the battered-woman cases, they're sympathetic from the standpoint because you have this long pattern of what she's gone through and abuse, real horrendous abuse…But these cases where you have documented history of abuse…people can understand how it got to that point. (respondent three, 69-year-old male).
>
> And I think judges, in general, have the same feeling that they don't believe in it, like… you should just leave, that's what any sensible person would do. At any rate, if we're doing a bench trial you know all those factors are going to weigh in, in terms of sympathy and in terms of the verdict, but in terms of selling the defense to a judge I don't hold that much to it, much hope for it. (respondent five, 69-year-old male)
>
> A lot of juries and judges don't like it for a lot of complicated reasons. Some people see the experts as hokey. When there's an actual real threat… which is often heard by neighbors because there's a ruckus… use of BWS… distorts the issues. Sometimes it undermines the best part. Prosecutors often, but not always, cross-examine the BWS experts. They challenge their credibility and try to paint them like bleeding-heart liberals who want to excuse what they've

done. (respondent two, 55-year-old female)

These responses from the public defenders offer a compelling examination of how domestic abuse and BWS are frequently misunderstood by individuals without lived experience or formal knowledge of abuse dynamics, obscuring the structural constraints faced by many women—particularly those in poverty—whose limited options for safety can intensify their vulnerability and perpetuate further violence. To assess this from a feminist perspective, women in these situations of abuse or BWS often have no power, resources, or agency to get away from abuse in a patriarchal criminal justice system that focuses on punishment after someone has been hurt, rarely prevention or protection of women or others in vulnerable situations. These candid interview results also shed light on how BWS may not be taken seriously in the courtroom due to a lack of knowledge of these topics and a patriarchal worldview held by some in the courtroom workgroup who do not understand the structural constraints others in society have around them. Further, from a radical feminist view, perhaps because BWS is not formally recognized by the psychiatric community, it can easily be ridiculed by jurors, judges and prosecutors who do not accept it as a scientifically legitimate syndrome (in spite of feminist social science research by Walker and others suggesting otherwise).

Respondent seven (43-year-old female) argued that BWS is not a great defense at trial, but when it comes to plea negotiations with a prosecutor, there is a lot of sympathy the context evokes, hopefully getting a more lenient resolution to the case in terms of a plea negotiation, charge, or sentencing.

> Battered-woman syndrome, it's basically, it's a context for kind of like a post-traumatic stress disorder, and post-traumatic stress disorder isn't really, where does that get you? From first to third… sometimes maybe; maybe it'll give you heat-of-passion, but when you look at elements of the crime it doesn't easily fit in to something so when you're putting this on it's got to be a full out acquittal based on self-defense, based on this history they have and not necessarily the actions that happened at the time, in the courtroom. There's got to be a little bit of good jury selection in those cases. I think you really have to rely on the client to really tell their story. (respondent seven, 43-year-old female)

Respondent seven also mentioned that, in her opinion, these domestic homicides are hard to fit into the parameters of homicide laws as written.

> You've got a statute, you've got very strict parameters of what fits into them, it's really kind of "does the fact fit into this box" and homicides of a domestic nature, whether they're of men or of women, there's so many facts that surround them that are emotional, that don't fit into those boxes. Where a law doesn't work for battered-women syndrome I also don't think it works for men who maybe commit crimes of passion and things like that. It's very hard to take these domestic homicides and put them into the structures of homicide law. (respondent seven, 43-year-old female)

When regarding using BWS as a strategy of a legal defense, there was one common theme that complicates their choices: the importance of extensive documentation of abuse before the homicide. Five respondents mentioned how crucial an extensive history of IPV or other patterns of long-term abuse is when presenting BWS related evidence at trial.

> Well you have to document everything, you have to have the evidence, you just can't say 'I'm a battered woman and I shot somebody,' you really have to show it, and it's got to be not just through the defendant, it's got to be through history. We do a lot of work on it: hospital reports, interview nurses, doctors, people who have treated her before, family members, neighbors. They can document the history of abuse and how it happened and it's really dynamic evidence where people saw her running out in the middle of the street naked and beat up and stuff and everything on other occasions and crying. That kind of stuff is powerful evidence and it's not only powerful evidence to show how it happened but also it's powerful evidence against… you're not supposed to technically trash the victim but you're not trashing the victim, you're exposing the decedent in the case for who they really are and who they really were. (respondent three, 69-year-old male)
>
> Extensive history, investigation about prior incidences of abuse is obviously exceptionally important in those types of cases. And possible psychiatric or psychological evaluations, which also could become admissible, to show the woman's subjective belief that they were in fear of death or serious bodily injury at the time that they killed. (respondent four, 50-year-old male)

History of prior abuse is pivotal in the courtroom, especially when arguing self-defense in the case of a woman killing a partner. Respondent four also stated the importance of documentation of abuse and added that psychiatric evaluations showing a history of PTSD or BWS are key to proving that the woman had fear of serious bodily harm at the time of the murder, even if those beliefs were irrational at the time. At this particular public defender's office, they employed a full-time Mitigation Specialist who investigated all possible mitigating factors for the homicide defendant, such as mental health, childhood, and positive contributions to society before arrest, to help with the defense, assisting the defense attorneys in gathering and organizing this needed documentation of histories of abuse and trauma.

The issues of homicide laws and self-defense being based upon the legal concept of reasonableness were another unexpected issue which emerged in the interview results.

> Was it reasonable under the circumstances? Did the person act reasonably under the circumstances? Or to show that they, in a sort of imperfect self-defense case where you're looking for voluntary manslaughter, is the possibility they **actually believed** that they were in fear of death or serious bodily injury and they were defending themselves even though that wasn't reasonable under the circumstances. (respondent four, 50-year-old male).

Another issue that emerged in the results is that the BWS concept may apply to more cases than the IPV related cases where the situation involves a relationship. Respondent one expressed that their past cases with women were usually related to domestic violence, homicides by vehicle, or homicides involving prostitution. Respondent one described two specific cases where a woman killed their john/customer. Describing a particular case involving a prostitute killing a customer, respondent one described how the woman "was accused of murdering an old guy… so it was that kind of a case where she didn't get paid, which ultimately resulted in the guy's murder".

Another interesting example, shared by respondent four involved a similar situation:

> This woman was a long-time crack abuser and prostitute and she went to the house of one of her sort of like regular johns, like a person that she had probably given sex to for money on numerous occasions, and there was some dispute, he didn't want anything to do with her at the time. She was in his house, he was an older man, he told her to get out and said some things that just kind of set her off on a classic sort of flashback situation and she started flashing back to all the abuse she had suffered over years and years and basically did him in with a shovel that just happened to be there…They had a pretty strong case for first-degree murder, at least third-degree murder, we would've worked up something in terms of a sort of battered woman's defense and talked about this reasonable belief but there wasn't good evidence of self-defense in that case. (respondent four, 50-year-old male)

This presents an interesting situation perhaps fueled by PTSD with some women who suffer from traumatic life experiences (such as, but not limited to, voluntary or involuntary sex work itself) who end up killing someone who is not their romantic partner.

Respondent one also shared a compelling reasoning for why the defense of these types of crimes is hard to argue, saying "...the cases involving either domestic violence or even the killing of a john in a prostitute case, there's generally no witnesses, it's generally very difficult to track down people who may have known what happened inside the house where the killing took place". So similar to IPV related homicides, these instances involving prostitutes will often have no witnesses to the event which transpired behind closed doors. Like many gender-based crimes, they take place in private, behind the closed doors of a domestic or business association context, which also involves a power differential between man and woman.

From a radical feminist perspective, cases involving women and their pimps, traffickers, or prostitution customers (Johns) illustrate the possible impacts of a traumatic set of life events for some women that results in fatal violence to defend themselves against their perception of a physically and/or psychologically abusive male within a patriarchal, gendered power-differential context.

5. Discussion

An examination of the interviews of the 7 public defenders from a radical feminist perspective has revealed several interesting findings and ideas regarding the complexities of BWS, attempting to use it in relevant cases, and defense attorney approaches in the U.S. courtroom. While the interviews cannot accurately establish participants' theoretical or philosophical orientations, applying the sociological imagination and a radical feminist criminological lens allows for the interpretation of narratives emphasizing systemic gendered power relations rather than simple individualized concern for female homicide defendant client well-being.

First, from a radical feminist viewpoint, perhaps BWS is not uniformly structured by law nor taken seriously by some courts, judges, juries, prosecutors, and even defense attorneys. Secondly, from a radical feminist perspective, BWS cases are tragic instances of female reactions to male violence, and the women affected by it should be looked at with empathy (as well as the homicide victims). In asking the public defenders about their own empathy for their female clients in this study, 71.4% of the respondents indicated empathy for the women, with only two men indicating that they could not really empathize with their female clients and preferred to take a more objective and professional approach to their relationship with the homicide defendants. Third, from a radical feminist perspective, it is not surprising that the courts have created many complications for the use of BWS to prove a woman's self- defense reactions to ongoing trauma and/or IPV-related psychological impacts. The idea of BWS has been marginalized to only the fringes of social scientific and legal research, yet it is clear from the work of these public defenders that many see practical uses as cases that clearly fit the mold come across their desks frequently in female homicide defense work.

Yet, without recognition as a legitimate psychiatric disorder in the Diagnostic and Statistical Manual of Psychiatric Disorders (DSM), BWS will perhaps never be approached in standardized ways in the courts, and defense attorneys will struggle to find experts willing to testify to its legitimacy as expert witnesses in those state/federal circuit courts which allow such testimony. Further, without inclusion in the DSM, defense attorneys will perhaps have trouble gaining judge, jury and prosecutor respect for the existence of such a phenomena.

6. Limitations

This research includes the interviews of only 7 public defenders in a homicide division of a large city in the Mid-Atlantic region of the United States. In the future, it would be beneficial to conduct a similar study with a larger sample of public defenders in various cities across the US for geographic variability and for the ability to include surveys for the generation of a large statistical data set for further exploration of the issues found in this exploratory study of radical feminist inspiration. This study used open-ended interview questions and had limited time and resources, allowing for only a small sample in one public defender's office. It would be beneficial to conduct surveys of a random sample of public defenders

across the United States or beyond, which could more accurately measure empathy for clients, attitudes towards the BWS defense, and complications of attempting to use such a defense for female clients in the criminal courts.

7. Conclusion

In conclusion, from a radical feminist perspective, all the complications, barriers to success, and difficulties associated with using BWS need to be removed from court proceedings, and state and federal laws regarding admissibility in court. Further, as laws are changed, actions should be taken to commute the sentences retroactively of women who have been overcharged, or over-sentenced, as a result of barriers to admitting evidence relevant to BWS in their plea negotiations, trials, or sentencing hearings. Throughout the interviews, not one defense attorney framed their understanding of homicides committed by females related to BWS or similar situations in terms of rational choices, bad decision-making, selfishness, lack of self-control, low intelligence, biological defects, or "risky" lifestyles, as many mainstream criminological theories would do. Instead, defense attorney responses in this qualitative study focused on underlying issues similar to those of a radical feminist criminological viewpoint. Instead of bad choices or bad people, their explanations and understandings of the BWS related cases centered on issues of dominance/subservience in the gendered relationships often involved in the killings, and various structural and legal inequalities and inconsistencies which disadvantage their clients both in life and in the system's ability to handle their self-defense based cases effectively.

From a radical feminist perspective, the experiences of these public defenders in this one office, some of whom reportedly hold empathy for their female clients, similar to the empathetic view of radical feminist criminological theory, are emblematic of the patriarchal and misogynistic structures of society which need to be broken down in order for equality and justice to truly be possible for all.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

References

(1993) *State v. Borrelli*. 629 A.2d 1105, 227 Conn. 153 (Conn. 1993) https://case-law.vlex.com/vid/state-v-borrelli-no-893420621

(2020). *López-Correa v. United States*. 537 F.Supp.3d 169 (D.P.R. 2020). https://case-law.vlex.com/vid/899910352

Adair-Russell, R., Reed, K., & Torres, M. F. (2024). The Role of Defendant Gender and PTSD Diagnosis in a Battered Spouse Case. *Journal of Interpersonal Violence, 40,* 1112-1134. https://doi.org/10.1177/08862605241257594

American Psychiatric Association (2022). *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM-5-TR).* American Psychiatric Association. https://doi.org/10.1176/appi.books.9780890425787

Browne, A. (1987). *When Battered Women Kill.* Free Press.

Campbell, J. C. (2007). *Assessing Dangerousness: Violence by Batterers and Child Abusers.* Springer.

Casimiro, M. (2026). From Victim to Defendant: Battered Woman Syndrome in Support of Duress. *Journal of Race, Gender & Ethnicity, 14,* Article 9.

Centers for Disease Control and Prevention (2024). *About Intimate Partner Violence.* https://www.cdc.gov/intimate-partner-violence/about/index.html

Dalimonte, A. M. (2023). Confronting Battered Woman Syndrome in Iowa: Admissibility of Expert Testimony in the Compulsion Defense. *The Journal of Gender, Race & Justice, 26,* 453-490. https://jgrj.law.uiowa.edu/sites/jgrj.law.uiowa.edu/files/2023-05/JGRJ%2026.2_Dalimonte_3.pdf

Field, C., Bentz, A., & Zizzo, O. (2023). Public Defenders in a Homicide Division: The Courtroom Workgroup, Plea Bargaining, Career Motivations, Views on the Causes of Crime, Perceptions of Prosecutors' Views of Crime, and Dealing with Occupational Stress in Their Daily Lives. *Advances in Applied Sociology, 13,* 290-308. https://doi.org/10.4236/aasoci.2023.134018

Hale, D. C., & Menniti, D. J. (1995). The Battered Woman Syndrome as a Legal Defense: Status in the Courtroom. In A. V. Merlo, & J. M. Pollock (Eds.), *Women, Law, & Social Control* (pp. 203-217). Allyn & Bacon.

Holliday, J. R., McNiel, D. E., Morris, N. P., Faigman, D. L., & Binder, R. L. (2022). The Use of Battered Woman Syndrome in U.S. Criminal Courts. *The Journal of the American Academy of Psychiatry and the Law, 50,* 373-380.

Leighton, P., Barak, G., Cotton, A., Buist, C. L., & León, K. S. (2024). *Class, Race, Gender, and Crime: The Social Realities of Justice in America.* Bloomsbury Publishing.

Lengermann, P. M., & Niebrugge, G. (2019). Contemporary FEMINIST Theories. In G. Ritzer, & J. N. Stepnisky (Eds.), *Contemporary Sociological Theory and Its Classical Roots: The Basics* (5th ed., pp. 215-250). SAGE Publications.

Millen, D. H., Kennedy, T. D., Black, R. A., Detullio, D., & Walker, L. E. (2019). Battered Woman Syndrome Questionnaire (BWSQ) Subscales: Development, Reliability, and Validity. *Journal of Aggression, Maltreatment & Trauma, 28,* 848-869. https://doi.org/10.1080/10926771.2019.1627684

Mossière, A., Maeder, E. M., & Pica, E. (2018). Racial Composition of Couples in Battered Spouse Syndrome Cases: A Look at Juror Perceptions and Decisions. *Journal of Interpersonal Violence, 33,* 2867-2890. https://doi.org/10.1177/0886260516632355

National Institute of Mental Health (2025). *Coping with Traumatic Events.* https://www.nimh.nih.gov/health/topics/coping-with-traumatic-events

Uhrig, D. (2024). Why Didn't You Leave?: Resolving the Circuit Split on Admitting Battered Woman Syndrome Testimony for Duress Defenses. *University of Florida Journal of Law & Public Policy, 34,* Article 4. https://scholarship.law.ufl.edu/jlpp/vol34/iss3/4/

Walker, L. E. A. (2017). *The Battered Woman Syndrome* (4th ed.). Springer. https://doi.org/10.1891/9780826170996

Walker, L. E., Temares, A. E., Diaz, B. N., & Gaviria, G. (2022). Psychological Evaluation of Battered Women Who Kill in Self-Defense: A Review of 34 Cases. *Journal of Aggression, Maltreatment & Trauma, 32,* 167-185. https://doi.org/10.1080/10926771.2022.2068390