Battered Women Who Kill: Variables Affecting Simulated Jurors’ Verdicts

Jane Braden-Maguire,1,3 Janet Sigal,1 and Carrol S. Perrino2

The present experiment investigated the effects of situational, participant and defendant variables on simulated jurors’ verdicts in a case where a battered woman has killed her abuser. One-hundred thirty male and female undergraduates from multicultural and African American samples read a trial transcript in which the battered woman was either Caucasian or African American, and had been either physically or emotionally abused. The hypothesis that the defendant would be judged guilty more often in the emotional abuse case was confirmed. No significant differences were found between African American and Caucasian defendants, and between male and female participants, in number of guilty verdicts. Male participants, and those who had no personal experience with domestic violence, showed significantly less knowledge of the battering situation. Situational factors, such as type of abuse, rather than defendant or participant variables, such as gender, race or prior knowledge, affected number of guilty verdicts.

KEY WORDS: battered; women; violence; race.

Despite the considerable attention it has been given by scholars and the media, domestic violence remains a pervasive problem in society. It has been estimated that over 50% of women will be battered (National Coalition Against Domestic Violence, 1995), and that domestic violence affects at least two-million married couples each year (Hamberger, 1994). Research on the problem of domestic violence has included experiments on trial outcomes for battered women who kill their abusive spouses. This study was designed to further investigate the effects of situational, defendant and participant variables on simulated jurors’ verdicts.

Previous studies which have examined variables affecting the outcomes in these cases have focused primarily on situations of long-term physical abuse (e.g., Follingstad et al., 1989, 1996; Kasian et al., 1993; Mechanic, 2000). However, battered women report not only physical abuse, but also instances of emotional battering, which almost always accompany physical abuse, or may be independent of it. Emotional abuse may include constant criticism, belittling, ignoring and threats, as well as jealous control, such as forced isolation of the woman from friends and relatives. Because it is more difficult to define, emotional abuse may be taken less seriously than physical battering, yet may leave long-term emotional scars, which in fact may be more damaging than physical attacks (Gelles & Straus, 1988). Sackett and Saunders (2001) found that emotional abuse (e.g., belittling and ignoring) contributed to both depression and low self-esteem in battered women.

The issue of emotional battering is related to Ewing’s (1987) proposal that battered women have a right to psychological self-defense, that is, that living with an abusive partner has taken from her a fundamental right to experience life in a psychologically meaningful way, and that this is as much a justification for homicide as is the danger of physical abuse. However, Kasian et al. (1993), in a simulated trial of a battered woman who has killed her spouse, found that a plea of psychological self-defense did not lead to fewer guilty judgments than a traditional self-defense plea. She suggested that evidence of physical battering is necessary to reduce guilty verdicts. No previous studies...
have attempted to separate the effects of emotional and physical battering on guilty verdicts in a simulated trial of a battered woman who has killed her abuser. One purpose of the present experiment was to compare the verdicts of simulated jurors when the abuse she had suffered was only physical or only emotional. It was predicted that she would be judged guilty more often in the emotional abuse condition, because it was felt that this type of abuse would be thought by participants to be less serious than physical abuse.

Coley and Beckett (1988), in a review of the literature involving Black battered women, indicated that domestic violence is found among all races. And Bachman (1994) found that the rate of domestic violence is about the same for Black and White adults. It has been suggested that the race and social class of a battered woman may serve to mediate the response of the justice system to her case (i.e., that the Caucasian, middle-class woman’s case will be treated with greater sensitivity; Blackman, 1990). However, the race of the juror may also be a factor in determining verdicts in cases involving battering. Locke and Richman (1999) performed an experiment in which they varied the ethnicity of married couples in scenarios depicting domestic violence. They found that African American participants sympathized more with African American victims. Locke and Richman explained their results in terms of both Shaver’s defensive attribution theory (1970, in Locke & Richman, 1999) and Heider’s cognitive balance theory (1958, in Locke & Richman, 1999). Both theories propose that, the more similar a victim is to us, the more we will sympathize with her and the less we will blame her for her actions. A second purpose of the present experiment was to determine if there is a difference in trial outcomes between African American and Caucasian defendants who have killed their spouses. Cases were given to both a multicultural group of participants and to a group of African American participants. The African American participants were chosen from students attending a Historically Black University (HBU). It was predicted that multicultural participants would judge a Caucasian defendant as guilty less often than an African American defendant. However, African American participants would be more likely to judge an African American defendant not guilty more often, because of greater empathy for the defendant. We felt that, since the African American sample had chosen to attend a HBU, these predictions regarding racial differences in verdicts would be stronger.

In addition to the above variables, we believed that participants’ prior knowledge might potentially influence their verdicts. Previous studies have indicated that male participants were more likely to judge battered women who had killed their abusers as guilty than female participants (e.g., Feather, 1996; Kasian et al., 1993). This difference may be due in part to less knowledge of the battering situation. Mechanic (2000) found that both gender and pre-trial knowledge strongly affected participants’ verdicts, and courtroom testimony regarding the Battered Woman Syndrome (Walker, 1999) by an expert witness in simulated juror trials also has been shown to influence verdicts (Follingstad et al., 1989). In the present experiment, it was predicted that female participants would have a greater knowledge of the battering situation than male participants, and that they would give more not guilty judgments. We also believed that participants who had personal knowledge of domestic violence would react differently from those who had been acquainted with it only through the media. It was felt that participants with personal knowledge would be more likely to give not guilty verdicts than those without personal knowledge.

METHOD

Participants

Multicultural Sample

Thirty-seven male and 43 female undergraduate students participated, as part of their requirements for an Introductory Psychology course. The sample was drawn from undergraduates at a medium-sized New York metropolitan university. The participants’ mean age was 22. Thirty-seven were Caucasian, 19 were African American, 15 were Hispanic, and nine were Asian. Three of the participants were seniors, 16 were juniors, 18 were sophomores, and 43 were freshmen. Out of the 80 participants, 72 were single. Participants were qualified to serve as jurors in the United States. In replying to the question of whether or not they had personal knowledge of domestic violence, 31 said they had personal knowledge and 49 said they had no personal knowledge.

African American (HBU) Sample

Nineteen male and 31 female undergraduate at a HBU, located outside a large city in Maryland, participated. Participants were volunteers from undergraduate Psychology classes. Their mean age was 23, and all participants were single. There were 10 sophomores, 22 juniors and 18 seniors included in the sample. All participants were qualified for jury duty in the United States. When asked whether or not they had personal experience with domestic violence, 19 answered that they had and 31 responded that they had no personal experience.