

BATTERED WOMEN SYNDROME

AND ITS USAGE IN CANADIAN AND US COURTS

Laidlaw Scholars 2021
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1 IN 4

WOMEN

Have experienced intimate partner violence

"Domestic Violence violates the principles at the heart of the moral vision (of human rights): the inherent dignity and worth of all members of the human family, the inalienable right to freedom from fear and want, and the equal rights of men and women"

- Dorothy Q. Thomas and Michele E. Beasley

R. v. Lavallee (1990)

During the trial, her defence counsel not only introduced considerable evidence of an abusive relationship, but they also produced an expert to testify on the battered woman syndrome". The trial judge ruled that the expert evidence was admissible, which led to Lavallee's acquittal.

R. v. Young (2008)

The reason for self-defence to be available is if the battered woman syndrome created reasonableness for the victim, which in this case, involves the killer having had to kill the escape their cycle of abuse.

R. v. Cairney (2013)

The Supreme Court of Canada (SCC) determined a line of reasoning for provocation as a defence in the context of domestic abuse,

R. v. Cairney (2013) was one of the few exceptions where self-defence was not a considered plea for a domestic abuse trial



Battered Women Syndrome is widely accepted as evidence for self-defence as opposed to provocation in Canada



The United States of America however does not - its applicability to self-defence has often been rejected

The syndrome itself was coined by Dr. Lenore Walker, in which the "syndrome" flows from the cycle of brutality to which the battered woman is subjected.

A LEGAL PROBLEM

Avoiding the harmful usage of Battered Women Syndrome in Court

Perhaps the most problematic part of using the Syndrome as evidence in domestic abuse cases is its way of framing these victims as "battered". The inherent weakness of a victim is often required to meet the standard of "Battered Women Syndrome", reducing what is a very unfortunate condition to an inhuman, impassionate and gendered stereotype: that domestic abuse victims are always weak.



**All is not lost!
Attorneys and NGOs have the power to effect the decision-making powers of a legal system**

Resources:
Amnesty Canada
Battered Women's Justice Project
National Clearinghouse for the Defense of Battered Women