

When parents kill.

By Dahlia Lithwick | Posted Tuesday, March 12, 2002, at 6:00 PM
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ENABLE SOCIAL READING When Parents Kill

Why fathers do it. Why mothers do it.



Andrea Yates

Women do not, by and large, make terrific criminals. In the United States, women commit only two crimes as frequently as men. The first is shoplifting. The second is the murder of their own children. Andrea Yates, the Houston mother whose trial for the murders of three of her children ends today, and Marilyn Lemak, the Chicago nurse recently convicted of killing her three children, are not at all statistical anomalies. Somehow, women—who commit less than 13 percent of all violent crimes in the United States—commit about 50 percent of all parental murders. Why do so many women direct their most violent impulses toward their own children? While it may once have been true that women were the sole—and often frustrated—caregivers of small children, mothers now work, yet they don't kill their colleagues; they kill their babies. Why? Feminists and legal researchers tend to claim that such women must be extremely ill. Judges and juries mostly agree, with the result being that women who kill their children in this country are disproportionately hospitalized or treated, while men who do so are disproportionately jailed, even executed.

According to a recent book entitled *Mothers Who Kill Their Children*, by Michelle Oberman—a professor of law at DePaul University—juries are loath to hand down murder convictions for mothers accused of killing their own children. Such juries are even more reluctant to impose draconian penalties. A 1969 study by Dr. Phillip Resnick, the "father" of maternal filicide (the murder of a child by a parent), found that while mothers convicted of murdering their children were hospitalized 68 percent of the time and imprisoned 27 percent of the time, fathers convicted of killing their children were sentenced to prison or executed 72 percent of the time and hospitalized only 14 percent of the time. More recent British studies by P.T. D'Orban support these findings. And although the United States does not have any formal equivalent to England's Infanticide Act—which codifies a sort of postpartum depression defense—American juries and judges have taken it upon themselves to excuse and treat most of these mothers for mental illness while condemning the fathers as violent criminals.

The scholars, the media, and most of the studies do their best to persuade us that these murderous moms really are ill. Perhaps it comforts us to believe that anyone who violates the sacred mother-child bond is simply crazy; it would be unimaginable if these mothers were making rational criminal choices. And since women are not violent in other contexts, most scholars, including Oberman, argue that the majority of maternal murderers suffer from depression, postpartum psychoses, and other mental afflictions. But no one has put forth an analogous medical theory to explain whether fathers who kill their offspring are also depressed, isolated, or psychotic.

The problem with the "illness" theory is that it only goes partway toward explaining why women kill their babies. Illness may explain how some women eventually snap and behave violently. But it

doesn't begin to explain why they direct this madness so disproportionately toward their own offspring. Even taking into account that some small fraction of the mental illnesses associated with maternal filicide—most notably postpartum depression—are triggered by the births themselves, the illness theory doesn't explain why mothers suffering from other mental illnesses, or who aren't ill at all, act out with their own children rather than strangers. The illness theory doesn't explain why we don't consider fathers who kill their children to be sick. Pulling murderous mothers out of the field of ordinary criminology and viewing them as fundamentally different raises more questions than it answers. Perhaps murderous mothers are no crazier than fathers. Perhaps murderous fathers are even crazier than mothers. Either way, the failure to view these crimes as morally or legally equivalent reflects a more central legal truth: We still view children as the mother's property. Since destroying one's own property is considered crazy while destroying someone else's property is criminal, women who murder their own children are sent to hospitals, whereas their husbands are criminals, who go to jail or the electric chair.

Why does the legal system treat a mother who kills someone else's child as though she were a sociopathic killer while showing mercy toward a mom who drowns her own? For the same reason the law treats individuals who burn down other people's houses as criminals and institutionalizes those who burn down their own. Men are disproportionately jailed for filicide not because they are more evil than women but because we believe they have harmed a woman's property—as opposed to their own.

The Numbers

Children under the age of 5 in the United States are more likely to be killed by their parents than anyone else. Contrary to popular mythology, they are rarely killed by a sex-crazed stranger. FBI crime statistics show that in 1999 parents were responsible for 57 percent of these murders, with family friends and acquaintances accounting for another 30 percent and other family members accounting for 8 percent. Crime statistics further reveal that of the children under 5 killed from 1976 to 1999, 30 percent were murdered by their mothers while 31 percent were killed by their fathers. And while the strangers, acquaintances, and other family members who kill children skew heavily toward males (as does the entire class of murderers), children are as likely to be murdered by their fathers as by their mothers.

The Newspapers

Doug Saunders observed recently in the Toronto newspaper the *Globe and Mail* that the media is complicit in treating maternal killers as newsworthy and paternal killers as ordinary criminals. Newspapers currently following every motion in the Andrea Yates trial completely ignored last month's Los Angeles filicide, in which Adair Garcia killed five of his six children by asphyxiating them with a barbeque he'd lit in the living room. He did it to punish his estranged wife, who had moved out a week earlier. Coverage of Ukrainian immigrant Nikolay Soltys, who killed his pregnant wife and 3-year-old son last August, was less focused on his mental state than his dramatic flight and capture. Why is Yates a front-page story while Garcia is disregarded? To paraphrase Michelle Oberman: Murdering mothers are just different.

The Motives

The same studies that have been used to prove that murderous mothers are "sick" can as readily be used to support the theory that both mothers and fathers consider children to be a woman's property. Social science research and FBI crime statistics show that men and women differ in the reasons they

kill their children, in the methods they employ, and in the ways they behave following such murders. None of this data proves that fathers are crazier than mothers. Much of it suggests that we all simply believe children "belong" to their moms.

Researchers, building on the work of Phillip Resnick, have shown that women tend to kill their own offspring for one of several reasons: because the child is unwanted; out of mercy; as a result of some mental illness in the mother; in retaliation against a spouse; as a result of abuse. Frequent themes are that they themselves deserved to be punished, that killing the children would be an altruistic or loving act, or that children need to be "erased" in order to save or preserve a relationship. Contrast this with the reasons men kill their children: Most frequently—like Garcia or Soltys—they kill because they feel they have lost control over their finances, or their families, or the relationship, or out of revenge for a perceived slight or infidelity. The consistent idea is that women usually kill their children either because they are angry at themselves or because they want to destroy that which they created, whereas more often than not, men kill their children to get back at a woman—to take away what she most cherishes.

According to a recent article by Elizabeth Fernandez in the San Francisco Chronicle, studies further reveal that fathers are far more likely to commit suicide after killing their children. Mothers attempt post-filicide suicide but rarely succeed. Some scholars suggest this is because mothers tend to view their children as mere extensions of themselves and that these homicides are in fact suicidal.

The Murders

Perhaps more revealing than the differences in why they kill their offspring are the differences between how fathers and mothers do so. For one thing, parental murderers tend to be highly physical. According to a 1988 survey done by the U.S. Justice Department, while 61 percent of all murder defendants used a gun in 1988, only 20 percent of the parents who killed their children used one. Children were drowned and shaken, beaten, poisoned, stabbed, and suffocated. These methods betray a certain "craziness" in both genders—they betray an intense passion and a lack of planning. But a study by the National Center for Missing and Exploited Children shows that fathers are far more violent. And mothers frequently dispose of the corpses in what researchers call a "womblike" fashion. Bodies are swaddled, submerged in water, or wrapped in plastic. Moreover, the NCMEC study showed that while the victims of maternal killings are almost always found either in or close to the home, fathers will, on average, dispose of the bodies hundreds of miles away. All these behaviors suggest that women associate these murders with themselves, their homes, and their bodies

None of the arguments here assumes that there is no such thing as postpartum depression or, in rarer cases, postpartum psychosis—a deep break from reality that affects less than one in 500 new mothers. Andrea Yates is actually a good example of someone who was overdetermined to experience some kind of psychotic break that would end tragically. But Yates is only one of hundreds of mothers who kill every year, and while complete psychotic breaks explain why some of this homicidal rage and violence is turned upon one's own children, it doesn't account for either the staggering numbers of maternal homicides or for society's leniency toward women in these cases. The property theory does provide these answers. Women still believe that they have sole dominion over so little property that arson and armed robbery and rape make no intuitive sense to them. But the destruction and control of something deemed to be a woman's sole property sends a powerful message about who's really in charge, and this message hasn't changed since the time of Jason and Medea.

It would, of course, help if we could stop thinking of children as anyone's property. It does nothing to advance the feminist cause to simply assume that all mothers who kill their children must necessarily be crazy. It will do a good deal to advance the cause of children's rights if we begin to consider them as legal entities in and of themselves.

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