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Bus. 49

MW 9:30 – 10:50

Research Project

### When Mothers Kill

Andrea Yates seemed like a normal, suburban housewife. Yates was a mother of five and was married to Rusty Yates, an aeronautical engineer for NASA. To the outside, this family seemed happy and successful. On June 20, 2001, Andrea decided to drown all five of her children in a bath tub and then place them in her bed. To many people, this seemed very brutal and inhumane; however, not many people knew about the dark thoughts that consumed Andrea's mind. Later that year, she was sentenced to life in prison.

In other countries, like England, this crime is defined as infanticide. According to the American Journal of Psychiatry, more than 20 countries in the world have laws that define infanticide and protect women from being prosecuted for murder (Friedman, Horwitz, and Resnick). Instead they are required to serve probation and time in a mental institution (Friedman, Horwitz, and Resnick). However, in our great land of the free, women are not getting the necessary treatment. If the United States had infanticide laws, the blurry line between murder and insanity could be better delineated. Although life in prison seems like a fair sentence, women like Andrea Yates need psychiatric help, not life in seclusion.

Stemming from the Latin word, *infanticidium*, infanticide is when mothers kill their children within the first 12 months of life (Jackson). According to the National Society for the Prevention of Cruelty to Children, children under the age of one suffer a higher risk of being murdered. This concept also includes neonaticide which is the murder of children by their mothers within the first 24 hours of life (Friedman, Horwitz, and Resnick). Before the term neonaticide was defined by Phillip J. Resnick, maternal filicide was often used in medical journals to classify this crime (Friedman, Horwitz, and Resnick).

In ancient times, infanticide was a form of family limitation that many tribes used to keep the population down. Eventually, with the rise of Christianity, filicide became illegal and punishable by law (Jackson). In the 1800's when mothers would commit filicide, they would often claim a form of insanity called puerperal psychosis ("Infant-killing"). Instead of receiving death sentences for murder, these women would be sent to insane asylums ("Infant-killing").

After filicide became more prevalent in England, the parliament passed the Infanticide Act of 1922 to better define the crime. It was later amended in 1938 (Jackson). The act predominantly was enacted to prevent women from being charged for murder and instead lessening the charge to manslaughter. Similar to claiming puerperal psychosis, women charged under the Infanticide Act would be sent to mental health facilities and be treated for months at a time. Probation is also a mandatory provision of this crime (Friedman, Horwitz, and Resnick).

In the United States, though, women who commit infanticide are usually faced with legal debates. Looking at Andrea Yates's medical history it is clear that Andrea

indeed suffered from postnatal depression along with a few other kinds of schizophrenia (McLellan). Unfortunately, Texas, the state in which Mrs. Yates was convicted, could not legally categorize the case as insanity (McLellan). The court does, however, recognize insanity using the M'Naughten rule which states, "A person is insane if, through a 'disease of the mind' existing at the time of the crime, he or she either does not know the 'nature and quality of the act', or, if the person was aware of the act, he or she did not know the difference between right and wrong" (qtd. in McLellan). But this is still very vague and requires the defendant to be proved to be severely mentally ill (McLellan). Even Andrea Yates had a difficult time proving she was insane under this rule and was proven guilty regardless of her previous health history. William Winslade, a lawyer, criticizes the legal term stating that the M' Naughten rule was "inherited from the British, who now have a better system in place" (qtd. in McLellan).

In order to understand why women like Andrea Yates commit infanticide, it is important to recognize the statistics of mental illness that occur after giving birth. In a country where up to 15% of new mothers suffer from post natal depression, these cases of infanticide need to be carefully examined (McLellan). Not only are child-bearing women at risk for depression, but one out of every 1,000 woman will have some form of psychosis after giving birth (McLellan). Also, the majority of these women are either young, unmarried, poor, or have some form of a mental illness (Friedman Horwitz, and Resnick). Infanticide laws take statistics like these into consideration. Countries with infanticide laws believe that sending these ill women to prison may not give them the rehabilitation necessary to re-enter them in society and be productive citizens.

England's Infanticide Act has proven to be an effective legal structure, but some are skeptical that the law is giving loopholes for woman to dodge prison. So it seems to be in the case of Caroline Beale. Beale was a citizen of the United Kingdom, but was touring the state of New York with her boyfriend and family. Beale had no previous history of mental illnesses. It wasn't until the night of September 21, 1994, that Caroline's mental condition was put into question. While her boyfriend was out for drinks, Caroline delivered a baby in the hotel bathroom. Instead of going to the hospital, Beale decided to wrap the baby up and place it in her luggage. Caroline did not inform anyone of the events. She also reported believing the baby was already dead when she gave birth to it (Dyer). The following day, Beale was caught when she tried to pass through customs of the John F. Kennedy airport.

Since Beale did not have the intent to kill the baby, Beale was charged with aggravated manslaughter and was sentenced to 15 years in prison. Beale and her family were very disturbed by this sentence and even went as far as saying the American justice system was "barbaric and uncivilized" (qtd. in Dyer). After serving eight months, the judge was lenient, and allowed Beale to return to her home country and serve 5 years probation (Dyer). Most people would think that eight months in prison for murder is unfair. Critics argue that these babies need to be protected and the mothers who commit this horrendous crime need to be punished. The argument then turns to prevention of pregnancy. People believe that women like Caroline should better protect themselves from getting pregnant. Many times, when women hide their pregnancies, like Caroline did, they are afraid to tell anyone, including their parents. Nonetheless, the problem of infanticide still occurs everyday.

Eventually, the case of Andrea Yates took a new turn when she was granted a new trial because of a false statement made by a witness (McLellan). So on July 16, 2006 the verdict came back as not guilty by reason of insanity (McLellan). Andrea was then committed to a mental health facility where she remained for at least a couple years (McLellan). Although Texas never adjusted their laws to define the crime of infanticide better, legislature did pass the Andrea Yates Bill. The bill required prenatal care doctors to give women information on postnatal depression and the resources available to them.

The Andrea Yates Bill is a big step towards helping women suffering from postnatal depression, but Texas is only one state out of fifty in this country. Also, the bill does not provide legal help for women that commit infanticide. This in turn means that women will continue to be sent to prison instead of receiving mental help. Expert Margaret Spinelli describes postpartum disorders as "predictable, identifiable, treatable, and preventable" (qtd. in McLellan). Knowing that postpartum disorders are treatable, it gives hope that caring for women with medical assistance can be helpful. In a country where the prison systems are already packed with criminals, the best solution would be to help rehabilitate anyone who can be rehabilitated. Adopting an act like that of England means that these women will not be thrown in with the criminals, but instead get help to ensure that they will be released and become valued members of society.

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