



### F33 Women and Violence: Politics, Science Education, and Judicial Integrity

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After attending this presentation, attendees will understand how events over the past two generations have resulted in political and social pressures on law school curricula that have compromised the understanding and use of science in analyzing and interpreting facts regarding intimate violence.

This presentation will impact the forensic science community by providing an understanding of case strategies and presentations in our courtrooms that promulgate misconceptions about science and law regarding human interactions.

This presentation will focus on a succession of case cohorts related to sexual politics, including the 1990's "recovered memories" allegations that led to changes in the law of more than the states in the nation, the "Day Care" abuse cases that resulted in extensive false convictions, and in particular, an emerging mass of criminal cases premised on an assertion that, due to one's particular gender, such persons are not capable of committing violence. For years, law professors in law schools have avoided including intimate violence law in their curricula, thereby preventing their law students from learning about scientific evidence regarding intimate violence. Law schools, therefore, continued to foster traditional misconceptions about the word "violence" being attributed to "males" since violence is allegedly committed only by males.

Such erroneous perceptions, in turn, have left law school graduates either under-informed or critically misinformed about the scientific evidence in this area. This lack of scientific knowledge has resulted in practicing attorneys unable or unwilling to advance criminal cases that include intimate violence.

This presentation will provide a summary of the history and literature in this and related areas and examine the extensive body of scientific evidence related to intimate violence. The relationship between sex, violent actions, and variations in the styles of those actions were considered well established and undisputed until the 1960s. This slowly began to bring about a "sea change" in subsequent decades through abandonment of *Frye* generally acceptable theories and instead the application of Federal Rules of Evidence (FRE) 702 with the flexible factors under *Daubert* testing the reliability of the methodology of experts in this field. This was only altered through "novel" case congregations such as "recovered memory," but even then was punctuated by periodic studies and scholarly texts warning of emerging problems in legal education and high-profile factual reviews by high-profile attorneys such as Alan Dershowitz in the 1990s.

In the interim, scientific literature steadily evolved. This literature usually directly contradicted the feminist narrative, including findings such as the availability of weapons tending to equalize violence between the sexes. Studies revealed women were more at risk of violent attack by another female than by a male intimate partner. At times, clashes occurred between the radical feminist response and the scientific researchers who were often themselves female.

This is not to say that males and females do not differ in expressions of violence, and these important differences will be reviewed; however, over the past decade the stalemate between sexual politics and science has led to new tactics. As the media has repeatedly demonstrated, political forces at odds with science now assert their right to their own beliefs, that all beliefs have equal validity, and that students in particular should be shielded from contrary



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perspectives, including scientific findings. This led first to requirements for “trigger warnings” before unpopular information could be presented in the classroom, then “safe spaces,” and now to “civil rights” protections.

Today, despite knowledgeable forensic experts being available to testify as to sex differences in violence, law students are effectively blocked from learning about scientific underpinnings due to notions of being politically unfashionable. Such shielding is such a disservice to the profession of law for it not only handicaps law professionals but also prevents the judiciary from undertaking its constitutional mandates. By not discussing the underlying scientific evidence regarding intimate violence in our law school classrooms, educators have turned our long held traditions about justice and truth upside down, thereby flat-lining the curve of knowledge about intimate violence.

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**Scientific Education, Intimate Violence, Judicial Integrity**