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Para un modelo explicativo del filicidio como conducta asesina.

(A comprehensive view of a murderous behavior: filicide, infanticide, neonaticide.)

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Resumen

En su desarrollo histórico, la conducta de dar muerte al propio hijo, ha logrado su reconocimiento en el ámbito forense como un delito vinculado a circunstancias psicopatológicas; a pesar de la abundancia de 'modelos' explicativos, a partir del análisis de los motivos del crimen, principalmente. y no siempre definidos con precisión científica. En el presente trabajo, a partir del libro de Geoffrey McKee (2006), *Why Mothers Kill, A Forensic Psychologist´s Casebook*, subdividimos nuestras consideraciones en siete apartados que mostramos a continuación; resultan imprescindibles, a nuestro juicio, para comprender la totalidad de un fenómeno, el filicidio-infanticidio, como conducta asesina impactante en el trabajo cotidiano clínico y forense, psicológico. Al finalizar este recorrido de siete puntos fundamentales que ofrecemos para su consideración, pretendemos estar en disposición de contemplar el filicidio, desde una perspectiva integradora, comprensiva, transcultural, e interdisciplinar, del infanticidio y el filicidio, como conducta asesina, compleja.

Abstract

In its historical development, the behavior to give death to the own son, has obtained its recognition in the forensic scope like a tie crime to psychopathological circumstances; in spite of the abundance of 'explanatory models', from the analysis of the reasons for the crime, mainly. And not always defined accurately scientist. In the present revision, from the book of Geoffrey McKee (2006), *Why Mothers Kill, To Forensic Psychologist´s Casebook*, we subdivided our considerations in seven sections that we showed next; they are essential, in our opinion, to understand the totality of a phenomenon, the filicide-infanticide, like impressive killer behavior in the clinical and forensic, psychological work. When finalizing this route of seven fundamental points that we offer for your consideration, we try to be at readiness to contemplate filicide, from an integrating perspective, comprehensive, transscultural, and to interdisciplinary, of the infanticide and filicide, like a killer, a complex behavior.

Introduction

When carrying out an historical point of view, we found that the filicide phenomenon is rooted in different cultures, religions, and societies, strongly; a behavior that also we found in the animal world.

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From the historical origins, to the present denomination, the social variables that act like determining factors of this behavior, the paper granted to the direct author of the crime, the psychological classifications propose like explanatory models from the forensic scope, the empirical matrix able to detect the conducts of advance warning to the killer act, as well as an analysis of the preventive considerations, that forensic psychology offers to the rest of the disciplines and social institutions, for the understanding of filicide like a behavior, killer, but, from now on, predictable.

Of the book *Why Mothers Kill, Forensic Psychologist's Casebook*, McKee (2006), in this revision, we showed, the last contributions conducted to the study of filicide, from the scope of clinical and forensic psychology.

When finalizing this route of seven fundamental points that we offer for your consideration, we try to be at readiness to contemplate filicide, from an integrating perspective, comprehensive, transscultural, and to interdisciplinary, of the infanticide and filicide, like a killer, a complex behavior.

From 'Patria Potestas' to 'Infanscaedere'

The behavior of killing one's own child, filicide, is present in the wild animal world – for example, mammals and birds -.

In the history of the human being, this behavior appears deeply rooted and associated to factors of supernatural superstition, in two ways: children sacrifice and infanticide.

Thus, we can find this universal behavior in every culture: in the Christian Bible – Deuteronomios 22.4 -, in the Koran – XVII:38 -, in the primitive cultures of Bolivian Indians, in savage regions of California, in Greenland, Asia, ..., or in the Germanic legal world, the 'munt' institution.-

Though it can be practised by both parents, we find that, since the Ancient Roman Law, among the functions of Pater Familias – as Patria Potestas -, it includes the 'execratio' : possibility to deny, to kill directly, or authorization to punish the son till his death.

A practice that with the Emperor Trajano and later with the Emperor Adriano was modified, specifying that this 'patria potestas', is a 'pietate debet, non in a atrocitate consistere'; till the Emperor Constantine (year 1065), established as a crime, the parricide: to give death to a descendant.

The infanticide reaches its recognition of crime in the XVIII century in Europe, with the expansion of Christian Humanism, as 'infanscaedere'; in the field of Anglosaxon Law from rules such as An Act to Prevent the Destroying and Murdering of Batard Children (1624), Offenses Against the Person Act (1828), Infanticide Act (1922), Infant Life Preservation Act (1929), Infanticide Act (1938), among others.

Thus, the 'infanscaedere', needs, in a legal level, an ended purpose or deceit in the typified murderous behaviour, with different penalty, depending on the psychical health state given to the mother; for example life imprisonment in Infant Life Preservation Act (1929), or to extenuate the penalty in Infanticide Act (1938), if she is mentally unbalanced as a consequence of lactation or birth.

Although for authors, such as Cesar Beccaria (XVIII century), the infanticide should always remain unpunished, because every sentence is ' an unnecessary incentive to the murderous alternative selected by the mother of the victim', the differences in the legal, criminal, classification are nowadays between different States USA.

Denomination

In this historical evolution, we find- in our opinion- a transscultural contamination of the concept, filled with legal, cultural and religious considerations, and the reason to assign the infanticide - even nowadays in many dictionaries and encyclopaedia, for the murderous behaviour of the mother, or widely, of the maternal grandparents.

In the book *Why Mothers kill, A Forensic Psychologist's Casebook* (McKee,2006), we find a perspective focused in the murderous behavior of the mother, and based besides in the age of the killed child; but, the death of children at an early age, infanticide, is a phenomenon that is seen in different epidemiological investigations with high rates in fathers (McKee, Shea, 1998), or similar between father and mothers.

Even like a behavior not exclusively filicide: infanticide executed by children, described in Adelson (1972); or infanticide perpetrated by strangers as a consequence of sexual abuse or kidnapping.

Therefore, in our opinion, the difference between Filicide, Infanticide, Neonaticide, just depending on the age of the child or the sex of the murderer, is the starting point that limits the needed multidimensional scientific approach to the general phenomenon - infanticide-, giving an incomplete understanding of the death caused to children.

Social pathology

Like can be deduced from the historical evolution we have mention, the infanticide- in human beings -, is a phenomenon that needs to be located in the social, cultural, familiar, religious, health and legal context of the society, where it is produced and analysed to be understood.

Among the developed countries, different researches situate to the United States as one of the places with a higher infanticide rate, when comparing between countries, and it goes worse with the recognition of unequal health systems, different law and jurisprudence.

From a macro-level, macro-social perspective, the religious, health and legal customs in a country form processes of ideological, social and culturally generalised influence. And it determines an epidemiological and social phenomenon such as the infanticide, which has differences between States, in the United States, considering its law and jurisprudence.

Inside this general culture of a country, the familiar structure, the investments applied to social and health programs, the female job rates, the history of inadequate wars, among other factors, they appear longitudinally related, for example, with the infanticide and non- wished pregnancies rates in teenagers and youngsters.

It has been considered like this since old times, when the conception of motherhood, the paper assigned to the female, and her honour, or the destruction of the progeny -killing the descendants or even the wife-, have been related with the economic survival, the morality and the believes, the roll of manliness, showing a persistent discrimination towards the female, continually through the life cycle, as the differences of gender in child death demonstrate, at a planetary level (Fuse, Crenshaw,2006).

Perpetrator of the crime

The majority of the different models suggested to explain the filicide phenomenon are centred in the behaviour of the mother, and mainly analysed in the forensic and criminological field.

However, in the evidence analysis of the epidemiological data, the characteristics of place, time and space also determine the size of the rates and the number of cases.

We check, for example, that the analysis of the filicide behavior in mothers comes, in general, from psychiatric and forensic samples. Where, fathers are not usually interviewed.

In the paternal filicide, we frequently find that the fathers commit suicide after killing their wives and children.

Therefore, to affirm that mothers 'act alone' (McKee, pag.20) without controlling explicitly the simulation, dissimulation and deceit processes, in this forensic contexts, not even the anthropological roots of infanticide, specially the cultural, religious, legislative, legal, social and familiar factors – we understand- it can get to be an excessive simplification of the filicide phenomenon.

Classification in models

We disagree with McKee (2006) – page 27 from his book *Why Mothers Kill*, a forensic psychologist's casebook-, in the idea that it was d'Orban (1979), who did the first model of maternal filicide. Although, McKee (2006) mentions, in his bibliography, the work of Lewis, Scout and Bunce (2003), they demonstrate that it was precisely Resnik (1970) – from the categorization reflected by Gibson & Klin (1961) about homicide -, who suggested the first model of maternal filicide; the model of d'Orban (1979) shows an almost absolute similarity to it.

In the historical and synoptic chart of page number 29, McKee (2006) places Resnick (1969) inside the 'modes' of maternal filicide; when in fact this suggestion from Resnick belongs to his paper of 1970.

It is not accurate to forget the proposal of Bourget and Gagne (2002) in the analysis of the 'models' of maternal filicide, specially when McKee (2006) indicates among the bibliography of *Why Mothers kill*, a forensic psychologist's casebook, the study of these authors, Bourget and Gagne; who, precisely, show in their 'model' of maternal filicide, the presence of mental illness, with or without abuse in the consumption of substances.

It is relevant that McKee (2006) includes a new category Antisocial Psychopathic which is not described in previous classificatory descriptions, taking an element that proves a certain wickedness and social transgression in the maternal filicide behaviour, an aspect hidden in other authors.

The introduction of this Psychopathic category, lets open the possibility to analyse the moral, as a central factor, that could define the presence or absence of filicide, in situations and contexts which seem similar.

However, his 'model' starts from a main consideration based on the filicide reasons, extensively questioned by Lewis, Scout and Bunce (2003)- cited in the book, as we said- for his lack of reliability, subjective character, contamination between categories and retrospective analysis of the possible cause of death.

An strong point of the proposal of McKee (2006), is the precise introduction of the Psychotic/depressed category, which was not exposed before specifically, by other authors; in my opinion, it is a correct answer.

Although, he subdivides this category in delusional, impulsive and suicidal, if we make the most of this Psychotic/depressed denomination, we can suggest the debate about diverse subtypes of depression – with or without psychotic symptoms- separated from the rest of the psychosis. Thus, we could question the altruistic psychotic symptoms, differentiating them from non psychotic altruism- where, the cause of evident suffering in the child is really objective by any effect-.

But, we continue lacking a true explanatory model for filicide and maternal filicide; the proposals done till the moment are descriptive classifications, provisionally formulated by different authors, but not explanatory and not sufficiently contrasted with scientific objectivity able to permit the generalization of the current classifications.

In the same way, there is the necessity to point out the duality in the diagnose or the presence of comorbidity from the information obtained by combination of the multi-axial information. The precise siting in the Diagnose Manual, of the puerperal psychosis or the postpartum depression, as organic disorders or endotoxic psychosis, would help to this clarification.

But, the great satisfaction, the true happiness that Geoffrey McKee (2006) gives us in this book *Why Mothers Kill*, a forensic psychologist's casebook, is analysed in the next section.

Maternal filicide risk matrix

The main contribution of Geoffrey McKee (2006)- in our opinion- is the Filicide Risk Matrix, which permit to defeat, definitely, one of the myths assigned to filicide: its apparent hazardous and unpredictable character.

He points out, in a fortunate way- in our opinion- the necessity to consider the Risk Factors associated to filicide, starting with the identification of the signal behavior, which advice us of the probability of occurrence of a filicide target behavior.

The sources of risk factor can happen in a simultaneous way, from the person, the family or the situational circumstances.

He does not mention specifically the culture, religion or moral, but he insists in the necessity to consider the attitudes and expectations- not only in the moment of pregnancy or birth, but also through the attitudinal longitudinal analysis-, which reflects in the same way, a general evaluation of every variable considered in previous investigations: age, intelligence, education, emotional status, trauma history, medical status, maternal attitudes, mother as parent, father as parent, marital-family, financial status, infant's temperament,- among others-, in different moments: pre-pregnancy, pregnancy, early postpartum, late postpartum or postinfancy.

Against the risk factors, the protective: characteristics, conditions, circumstances associated to a decrease of the probability of the target behaviour, in an individual, familiar and situational level, in the five previous moments; and considered, each of them, in its three types of measure: as absence of a risk factor, the opposite extreme of a continuum, a middle range of a factor.

This matrix of factors, each one with his own components, allows us to find-correctly- the signal behaviour, which were not taken into account before the filicide target behavior.

Therefore, it means a correct answer, that surpasses the highest point achieved in previous investigations, to offer a tool, an instrument, the Filicide Risk Matrix, useful for all filicide types, not only for the maternal.

This retrospective analysis, done by the author through decades of professional intervention, goes through the forensic field, to become an instrument of general public health. It will require the intervention of multiple professionals related with health, motherhood, masculinity and childhood field.

The Filicide Risk Matrix permits to prove the existent risks in each moment studied: pre-pregnancy, pregnancy, early postpartum, late postpartum or postinfancy. In each of these moments different professionals can benefit from this tool that Geoffrey McKee (2006)offers: familiar doctors, psychiatrists, criminologists, social workers, pediatricians, psychologists, gynecologists,...

This book is useful for any professional, as a source of reflection and help, which points out the necessity to pay attention, in ach situation previous to the filicide target behaviour, as it specifies continually through the 19 real cases analysed by McKee in *Why mothers kill*, a forensic psychologist's casebook.

Risk intervention points

In chapter 5, Primary, Secondary and Tertiary Risk Prevention Programmes, offers a series of necessary communitarian measures to prevent filicide, considered in its complexity, level of difficulty, people who should be implicated, and temporal duration, among other variables analysed, from the situational analysis of the individual case.

From the 19 analysed cases in the book, through the last 26 years as forensic psychologist in different States USA, McKee (2006) does not reflect the exact year in each filicide case, and he does not make groups by historical periods, not even for concrete States. Information that would give complementary data of important consideration, for the final goal this book pursue: to alert, for prevention.

Thus, we would reach a level of superior analysis that permits to evoke, the roll done by the macro-social resources, elaborating concrete proposals, such as Macrolevel Predictorl, focused mainly, as an example: in the 5% of pregnant women in United States, who wait till the end of the pregnancy to look for prenatal medical care, or never look for it (Children´s Defense Fund 1996). Analysing the epidemiological patterns of child death (Mathews& MacDorman, 2006), we find that for States, are Alabama, Delaware, Louisiana, Mississippi, South Carolina and Tennessee, the territories that overcome in more than 2 percentage points the USA standard. For race, the American Indian overcomes in more than 2.5 points, and the black race doubles the USA average.

The death of children when they born is emphasize, specially in Mexican and non Hispanic mothers, that reach the 90% of the deaths in mothers younger than 20. The Mexicans and non Hispanic white women, in not married mothers, represent more than half of the total.

As a conclusion: mental health is not the central aspect to understand the filicide etiology as we find in the book of McKee (2006), Why Mothers Kill, a forensic psychologist´s casebook.

Murders not only occurs for the circumstances of the mental state of the mothers,; but for a combination of factors where the social and personal isolation of the mother, and other macro-social factors also suggested in the first part of this paper, act together favouring the appearance of this target behaviour.

In USA, it would require a reflection oriented to deny and the criminal penalty, as it exists, combining a coherent preventing action that allows to think about and act over the model of motherhood, masculinity, social assistance and respect to life, that society, law, jurisprudence, culture, moral, religion and economy permit.

From Why Mothers Kill, a forensic psychologist´s casebook, this way is already shown.

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