

Is Justice Gender-blind?

by Phyllis Chesler



Lisa Montgomery is about to be federally executed on December 8th for having committed a truly grim and [heinous](#) crime – killing a young mother and cutting her unborn baby from the womb in order to claim the child as her own. She did so in a psychotic episode.

Between 1976 and 2016, sixteen American women (including [Karla Faye Tucker](#), [Wanda Jean Allen](#), [Kimberly McCarthy](#)) were executed. These women mainly killed one, sometimes two people; in only two cases did they kill multiple victims.

During the same approximate time period seventeen American male killers—men who killed anywhere from 14–100 women, mainly prostitutes—were overall given sentences much less severe. Only five (29%) were executed: the rest were allowed to live out their lives in prison. This includes [Robert Hansen](#), [Arthur Shawcross](#), the [Green River Killer](#), and [The Grim Sleeper](#). Juries, for any number of reasons, did not vote to execute

them or were not given that choice to make.

Oh, what a clear and terrifying measure of how cheap women's lives are! Prostituted and sexually terrorized women are disposable throwaways who remain invisible to us both in life and in death. They are shown little mercy while alive, and are totally forgotten after they've been murdered. Rarely do we even learn their names. When finally apprehended (after many years), too many of their killers get to live out their natural lives.

This may appear as if I'm arguing for the death penalty. I am not. Paradoxically, this is just one more reason to oppose legal executions. The death sentence is not fairly, justly, or evenly applied across both race and gender. In addition, poor suspects are never represented as well as the wealthy are.

Like other executed and jailed women, Aileen Carol Wuornos, about whom I write in my new book, [*Requiem for a Female Serial Killer*](#), and Lisa Montgomery, lived their entire lives in war

zones. As Sandra Babcock, of the Cornell Center on the Death Penalty Worldwide [writes](#): "Lisa's life reads like the script of a horror movie." Her alcoholic mother both terrorized, punished, and beat her during childhood, and prostituted her when she was eleven years old. Older men, first a live-in stepfather, then Johns, penetrated Lisa "anally, orally, and vaginally, one after the other" when she was a teenager. Lisa clearly developed "a complex post-traumatic stress disorder."

A human being does not easily recover from torture. Most are forever after unnaturally "vigilant" and paranoid and survive only in disassociated states. Many turn to drugs and alcohol to keep them disassociated from their painful histories.

Wuornos was also savagely beaten, death-threatened, raped and impregnated when she was fourteen, thrown out of her dysfunctional home afterwards and "survived" by selling sex. Like Montgomery, Wuornos was also born with profound cognitive and neurological limitations. By the time she was fifteen years old, Wuornos was selling sex for food, beer, music, and lodging. Like all prostitutes, Wuornos was repeatedly raped (actually she was being paid to be raped), beaten, gang-raped, robbed, tortured and nearly killed. In my opinion, she did kill in self-defense that first time. Thereafter, something changed. I write about that in *Requiem*.

Women are less violent than men but when a woman *is* violent, she is seen as even more dangerous than a man, as unnatural, and she is shown as little mercy at trial as in her life. For example, Wuornos' jury needed only one hour and 31 minutes to find her guilty and one hour and 48 minutes to sentence her to death. Serial killer Ted Bundy's jury (and he killed nearly 100 women), took seven hours to find him guilty and seven and a half hours to sentence him to death.

Women are routinely given greater sentences than men are for committing the same crime. Battered women who finally save their own lives are usually given life sentences without

parole. Killing even a violent husband is still, at some level, seen as committing patricide/regicide and the woman must be severely punished as an example to other women.

Most sexually tortured and traumatized girls and women die slowly and anonymously. Some fight back, some defend their lives, some jump right out of their minds.

Lisa Montgomery did. Can We, the People, find it in our hearts to show her a measure of mercy? Can We, the People, allow her to live the rest of her life in prison?

Justice is not justice when it is not tempered by mercy.