

# Why Parents Killing Their Children?

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## ABSTRACT

Psychologists say there are several reasons that encourage parents to kill their children. In most cases, the perpetrator of such a terrible criminal act suffers from some kind of mental disorder. The most common are psychosis, chronic depression, and addiction. The death of a child can occur as a result of neglect, physical abuse, and the fact that a parent does not want to have a child no matter on that, no one child in the world not deserves such destiny.

**Key words:** Child, homicide, murder, parents

## INTRODUCTION

When a parent commits infanticide or filicide, it is much easier to accuse him or her of murder (there is no denying that there was a living child) than it is to accuse the perpetrator of neonaticide, a crime that may not exist in a state's statutes or in the minds of legislators or jurists.<sup>[1]</sup> However, what is murder? In many states, first-degree murder means that one person killed another willfully, deliberately, and with premeditation. In other states, there is a common law definition of murder as "the killing of another with malice aforethought," as distinguished from manslaughter, which involves unlawful killing without malice.

What we will deal with here is the interaction of neonaticide, infanticide, and filicide with the law. Such interaction raises many questions. What differences are there (or may there be) between those who commit neonaticide and those who abuse, neglect, or otherwise cause the death of a child older than 1 day? Is there self-defense that is plausible? Does one charge fit all cases? In what ways should those who kill be punished if convicted of the crime?

The problems of child homicide involve not only the crime but also the social and economic environments that spawn

the despair and insensitivity that make such acts possible.<sup>[1]</sup> The codes of the communities that involve shame, disgrace, or punishment for transgressing sexual behavior dicta also push young women to commit such evil acts. Psychological and sociological analysis can help to understand these factors that shape the way in which we regard and treat those who commit child homicide in practice and in law.

### Marriage

Marriage traditionally has meant the union of a man and a woman as husband and wife.<sup>[2]</sup> The term has been used in a variety of ways over the years. There are ceremonial marriages (also known as traditional marriages), common law marriages, covenant marriages, putative marriages, and same-sex marriages, to name just a few.

Marriage has evolved and changed over the centuries. It is an institution that has legal, societal, and religious implications. Many contend that its most basic function is to provide for a stable environment to have and raise children, thus perpetuating the human species. Whatever its origins, it is certainly an institution that is intertwined into many areas of the law. For example, it is a basis for determining property rights in probate and intestacy proceedings and provides tax advantages in some cases to married couples.

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Traditional marriages are the kind of marriages that most people think of when they hear the word marriage. They are marriages that comply with the laws of the state in which the marriage was entered. It is important to note that the regulation of marriage is a state function, and the validity of a marriage is determined by the laws in the state in which it was entered. If traditional marriage is valid in the state in which the marriage was entered, the general rule is that the marriage will be recognized in other states.

### **Family**

As we know, our lives are often influenced in deep ways by our parents.<sup>[3]</sup> Much of how we see the world, others, and ourselves is shaped by our relationship with them, or the lack thereof. Our parents often have a significant impact on the content of our beliefs, the values we hold, and the goals we pursue. Becoming a parent can also have a strong impact on our beliefs, values, and goals. Given these facts, how we conceive of parenthood is an existentially central issue.

We need a deeper understanding of parenthood and the moral dimensions of the parent-child relationship in both the private and public spheres. Gaining such an understanding is worthwhile because the parent-child relationship is a central feature of so many of our lives, and is the context in and from which many of our choices, moral, and otherwise are made. A consideration of the ethics of parenthood leads to several interesting issues, such as the nature and justification of moral rights, the sources of moral obligations, the value of autonomy, and the moral obligations and tensions present in interpersonal relationships. It also leads to broader questions about what it is that constitutes a good life. A deeper understanding of the moral dimensions of the parent-child relationship, therefore, has much theoretical and practical value.

### **Parents**

Anyone caring for a child, irrespective of whether they have parental responsibility, may do what is reasonable to safeguard or promote their welfare.<sup>[4]</sup> A child's care has the powers they need to provide care, to make decisions affecting the immediate well-being of the child and to promote their best interests. The specific obligations of those caring for a child, including their parents, are shaped by the general provisions of the criminal and civil law directed at the prevention and punishment of deliberate, reckless or carelessly caused harm, framed according to liberal understandings of responsibility which attribute moral responsibility for the chosen acts of the competent individual.

In addition, due to the dependency and vulnerability of children, specific legal obligations detailed in legislation impose duties on those caring for a child to feed, clothe, house, obtain medical treatment for protect the child; on parents to ensure that the child is appropriately educated

and named; on absent parents to maintain, and justifies the use of physical punishment. These are basic duties of care, financial provision, and control. In general, parents will go beyond these minimal legal duties but not because of any legal obligation. The extent to which parents are given the freedom to care for their children as they consider appropriate or there is an intervention in the family to ensure that parents conform to norms of "good" parenting is a matter for political determination.

Mother-infant interaction, with all its complexities, cannot be examined in isolation. Contemporary thinking places the dyad in an intricate system of parental, child, and social/environmental factors, all in dynamic interplay; multiple relationships and circumstances wrap around the pair, impacting mother and child at each stage of development.<sup>[5]</sup> Risks to mother-infant relations may arise anywhere in the system as a result of maternal psychopathology or history of trauma, in response to severe environmental stress, or as a result of problems in the "fit" between maternal personality and infant temperament.

Research on the role of fathers lags far behind that of mothers, and paternal influences are only beginning to emerge as critical.<sup>[5]</sup> Fathers can complement solid mothering or compensate for maternal weaknesses; during difficult periods of adjustment, such as the postpartum weeks, the father can play a crucial role both in his support to the mother and through his direct care for the newborn. Moreover, the quality of the couple's relationship may figure importantly in the severity and chronicity of maternal depression. Through their naturally more rigorous manner of play, fathers provide rich and diverse emotional experiences for infants. The next few years should shed increasing light on the direct and indirect impact of fathering on early child development.

### **Parenthood**

Are the biological ties that exist between parents and children necessary or sufficient to generate parental rights and parental obligations?<sup>[3]</sup> Should biology play the primary role in our understanding of parenthood? It is a contingent fact that children often want to be with their biological parents and that people generally want to be with and relate to their biological offspring. Biological parents often possess an innate tendency to bond with their children, and so it could be argued that they have a right to raise their children because of these bonds and tendencies. Moreover, the tendencies of children to want to be with their biological parents could serve as grounds for parental obligations. The emotional and psychological costs of separating children from their biological parents are often very severe. Consider the actual trauma that occurs when biological parents and children are separated. In addition, even those adopted or surrogate children who are quite happy sometimes try to find their biological parents.

These considerations do not show that a biological connection is a necessary condition for parental rights and obligations, given that adoptive parents possess such rights and obligations. Nor do the above considerations show that biological ties are sufficient for parental rights.

Although the law generally assumes that parents will promote the interests of their children, some parents do not. In such cases, the state has the power to remove children from their parents to protect them from harm.<sup>[6]</sup> This power is one of the greatest that the state has. For many parents, having their children compulsorily removed by the state would be one of the worst things that could happen to them. On the other hand, the appalling harm that children can suffer at the hands of their parents means that the state must intervene if children's rights are to be protected.

One of the great problems in the law concerning the protection of children is that if the wrong decision is made, enormous harm can be caused. Imagine that a social worker visits a home where a child has a broken arm and bruises. The social worker suspects this may have been caused by the parents, while the parents claim that the injuries were caused by a fall down the stairs. If the parents' explanation is untrue, but the social worker decides to believe it, she would be leaving the child with abusive parents, and there would be a danger that the child could suffer serious injury or even death. On the other hand, if the explanation is true and the social worker decides to remove the child, then the child and parents may suffer great harm through the separation. The history of the law on child protection reveals tragedies resulting from excessive intervention in family life as well as gross failure to intervene. The difficulty is that it is only with hindsight that it would be apparent that, in a particular case, the approach was inappropriate.

Should children be raised by those who will best serve their interests?<sup>[3]</sup> There is some appeal to answering this question in the affirmative. Given the value we place on children and their vulnerability, it might seem that we are doing them a disservice by allowing them to be raised by a particular parent or set of parents when others would do a better job.

However, the claim that we ought to place children in the home where they will receive the best possible upbringing is vulnerable to counterexamples, because it fails to take into account the interests of parents. If a parent forfeits his parental rights, then removing the child from the parent's custody is of course permissible. Apart from such forfeiture, even in cases where parents might benefit in numerous ways from having their child removed from their custody, it would still be wrong to do so against their will, as long as they are fit. What is crucial here is that parents generally prefer sacrificing some of their non-parental interests because they take their parental interests to be stronger and more significant than whatever sacrifices raising their children might involve.

## **Motives**

Cultural mores, economic development, and technical and medical progress have created communities that can provide more favorable and more nurturing environments for families.<sup>[1]</sup> Yet the problem of child homicide remains, though on a smaller scale than in the past. Women's status and rights have been firmly established on more equal terms in Western societies. They have gained the vote and, in general, have access to more control of their reproductive functions. Young people enjoy more freedom from adult supervision, have greater economic opportunities and have a far longer adolescence than formerly.

The rising divorce rate and the earlier physical maturation of youngsters have abetted earlier sexual activity. The pressure to engage in sexual intercourse is substantial. This has led to a dramatic increase in teenage pregnancy that has just begun to slide in the past few years. When a boy urges a girl to have intercourse – “everyone does it!” – what alternatives does she have? (She could say “no,” but maybe weighing this against the consequences in terms of future dates, peer popularity, or other factors). If she “does it” and becomes pregnant, again, what alternatives does she have? Homicide is one tragic option: Neonaticide by a panic-stricken mother at the time of birth, infanticide by an ill-prepared parent in the child's 1<sup>st</sup> year of life, or filicide even later.

Separation and divorce after a relationship breakdown can be a carefully orchestrated, mutually consensual arrangement, involving children old enough to understand what is happening, and why.<sup>[7]</sup> However, most often it is not, which is precisely why social workers, lawyers, court welfare officers, probation officers, guardian ad items, judges and mediation counselors, get involved. The purpose of involvement, whether through public or private law, is predominantly to ensure the welfare of the child. Most parents experiencing the trauma of separation and all the bitterness and sense of betrayal that might ensue are the least likely people to cordially agree to a custody and access plan; on the contrary, custody and access for many separating parents represent the first and most contentious battleground. Achieving suitable access arrangements can be a formidable challenge for the professionals and for the courts. In the vast majority of filicide cases in this study, one quickly sees that within the disagreements about custody and access, is the potential for unleashing destructive and suicidal forces. Professionals in family and childcare work may never encounter filicide, but they are more than familiar with these potentially violent situations.

## **Intention**

A staple feature of crime fiction, especially familiar no doubt to readers of Agatha Christie novels, is the quest for the “perfect crime”.<sup>[8]</sup> Usually, though not necessarily, it involves the murder of an unwanted spouse. The motive may be sexual

jealousy, the desire for a more precipitate inheritance of the family fortune, or perhaps an unusually lavish insurance policy. The murderer surrounds the crime with false clues to conceal the motive, to cast the blame on another, and, crucially, to outwit the master-detective called in as a foil to the methodical but inevitably plodding police detectives. The real criminal is, of course, discovered because of some chance inconsistency in the evidence or some overlooked detail. They confess, remorsefully or cheerfully, and are carried off by the waiting police. The sword of justice inexorably, unerringly, and falls on the transgressor. The moral of the story is that crime does not pay.

There is no controversy over the intention to kill as the mental element in murder.<sup>[9]</sup> Such controversy as there is refers to what intention comprises. Intention, whether as to death or grievous bodily harm, refers primarily to intention in its focal sense of desire, aim, or purpose. Where a person shoots or stabs his victim, poisons him, or subjects him to a savage beating, it is an easy inference to draw that he did so with the aim of causing at least grievous bodily harm, that is really serious injury. In such cases, the jury should not be directed on the meaning of intention. It can be left to their “good sense,” when deciding whether death or serious injury was intended they will no doubt be influenced by the objective likelihood that death would be caused. It would be wrong however for the judge specifically to direct them to draw inferences of intention from such likelihood or from the fact that either consequence was foreseen by the accused. This may confuse them and lead them to believe that foresight and not intention is the fault element in murder.

In exceptional cases a direction on intention should be given. Such cases include those where there is evidence that the accused may have acted for a purpose other than to cause death or serious injury or where the evidence is otherwise equivocal on the issue of intent. It is now clear that intention in murder extends beyond its focal meaning to embrace the state of mind of one who acts in the knowledge that a consequence is inevitable whether or not he desired that consequence for its own sake.

### **Neonaticide**

Neonaticide is defined variously, in different jurisdictions, as the killing of an infant in the first 24 h of life or the killing of an infant in the first 4 weeks of life.<sup>[10]</sup> In the forensic literature, it is usually taken to mean the unlawful child killing of a subject delivered naturally and of sufficient developmental maturity to have been capable of independent survival, whose killing was perpetrated within the first 24 h of life. Neonaticide by drowning is not rare, but it is, fortunately, decreasing in frequency in many Western societies. The syndrome is very specific and has been long recognized because of its sad sociofamilial overtones. In general, neonaticide is in almost always perpetrated by the mother. In some legal jurisdictions,

the crime of neonaticide, with its connotations of diminished responsibility, is only recognized as a specific crime if perpetrated by the mother.

The mothers are almost always young (95% of cases), often teenagers. They are almost always single. Neonaticide by drowning usually occurs in the context of a concealed pregnancy and in the context of a concealed, solitary labor, and delivery. The mothers are often members of ethnic minority groups, often in religious or language isolates living in Western society. Such families typically are those with religious or traditional cultural condemnation of premarital sexual relations. These tragic incidents are also sometimes encountered in white or black families, particularly in those of lower socioeconomic status, in which there is a very strict, male-dominated ethos in the micro-society in which the parturient mother is trapped.

### **Infanticide**

The crime of infanticide is the unlawful killing of a child under 1 year of age by its mother.<sup>[10]</sup> The designated crime of infanticide has evolved as the judicial recognition that there is a subset of unlawful killings that are the result of diminished responsibility.

The deliberate killing of an infant, by a mother often disabled by psychosis, occurs not at birth but in the weeks or months following birth. Under these circumstances, drowning is, in one sense, a non-specific modus, as the means of ending the child's life. Most such perpetrators are suffering from post-natal depression, with a smaller proportion afflicted with schizophrenia. The intrafamily dynamics in cases of infanticide by immersion differ from those encountered in cases of the deliberative, repeated, and sub-fatal trauma, which is a feature of the crescendo child abuse syndrome that, of course, may ultimately lead to the death of the child concerned.

### **Filicide**

Filicide refers to the phenomenon where one or more child is killed by a parent, stepparent or equivalent guardian.<sup>[10]</sup> While filicides are committed globally, it is a rare event. Despite this, such events are deeply shocking and provoke a sense of horror and outrage: The killing of one's own child or children shatters our fundamental expectations about what it means to be a parent and the idea of parental instincts as a protection for children. Not surprisingly, many of these cases are reported in the media as “inexplicable tragedies” leading those in the wider community and particularly the families affected by these events struggling to find an explanation.

Filicide is that crime in which the offender is a biological, adoptive or de facto parent.<sup>[11]</sup> The method of killing is culture specific. In European, Asian, Canadian, and Australasian societies the cause of such deaths are head injury, drowning,

or suffocation. In the United States, homicidal asphyxia is less common in some regions, where gunshot murder is more frequently employed.

Mothers (60%) kill their children more often than do fathers. Eighty percent of such victims are between 1 and 5 years of age, with a median age of between 2 and 3 years. Particular “at-risk” times for such immersion killings are in the early hours of the evening, particularly during weekends.

### Investigation

Parents kill their children for many different reasons under a variety of circumstances.<sup>[12]</sup> Media reports, clinical case studies, and criminal justice statistics have amply demonstrated that neonaticide, infanticide, and filicide cannot be explained through a single construct, as though these unthinkable killings were homogeneous events. However, the clinical and academic research of the past few decades has suggested that similar patterns of parental filicide can be detected. In an effort to understand why parents kill their children, many researchers have developed classification systems to clarify communalities and differences among filicide cases.

The challenge for death investigators lies with infants who enter the morgue with few or no signs of trauma: Babies put down in a crib after a midnight feeding who are dead when the parents wake up or babies dead after seemingly inconsequential falls.<sup>[13]</sup> Often the autopsy of such infants is nonspecific and nonconclusive, and the investigation depends on the actions of the childcare provider. The forensic pathologist will need to evaluate whether adult supervision was sufficient or whether the adult care taker might be the source of the death. Even when the autopsy does not reveal trauma, an adult might have inadvertently or deliberately harmed the baby. One of the first questions posed during a forensic investigation of an infant death, therefore, is “Who was with the infant? Who was watching the baby? Where were the parents?” Because infants are not responsible for their own fate, the clue to solving the forensic puzzle of an infant death without obvious trauma lies in what the parents or other child supervisors were doing in the moments preceding death.

Detailed investigation is of vital importance in all cases suspected of being homicides. It cannot be stressed strongly enough that the mere presence of lethal injuries in a child does not automatically mean that the injuries were intentionally inflicted.<sup>[14]</sup> Certainly, there are various patterns or stories that “raise a red flag;” but every case must be evaluated on its own merits, taking into consideration all investigational information. Examples of “red flags” that should immediately raise suspicion include: Injuries that are “out of proportion” for the explanation being offered, descriptions of how injuries were sustained that are impossible or improbable

(for example, a 1-month-old is said to have climbed into the bathtub), changing stories by the care provider, the absence of any type of credible explanation for the severe injuries that exist, the presence of excessive injuries or certain unusual injuries, and the presence of severe injuries in various stages of healing.

There are various terms used to describe childhood homicides. The term “neonaticide” refers to the killing of a newborn baby. The typical perpetrator is the mother. The term “infanticide” refers to the killing of an infant. The killer is typically a parent, a care provider, or a friend of the parent (frequently the boyfriend of the mother). The term “filicide” means the killing of a child by his or her parent.

### Psychiatry

Forensic psychiatrist performs assessments of the mentally ill person in different situations and related to different needs (e.g., diagnoses the existence of a mental disorder), i.e., assesses the psychological condition of a person related to a different statutory defined situation (e.g., counting at the time of committing a criminal offense, parental ability, ability, and ability to write poetry).<sup>[15]</sup> All expertises are carried out according to the procedures that are prescribed by certain legal acts which determine who initiates the procedure, based on which fact, with what purpose, etc. It is also important to note that the psychiatrist, with the knowledge of these facts, must take into account and apply all scientific and professional knowledge of their profession – psychiatry-related to diagnostic criteria, i.e., the appreciation of diagnostic and therapeutic algorithms for each individual disease or disorder, recommendations for treatment.

In psychiatric assessment and diagnosis – which is normal and which is out of order – it is not enough just to recognize the disorder of some mental function or a group of psychic functions that make up syndromes typical of certain diseases but a person’s need to be viewed in a much wider context of her age, social, and work functioning in the narrow environment (active person, spouse, and parent) and wider environment related to socio-cultural characteristics, current economic and emotional situation, possible bodily diseases, etc.

### Mental disorder

Mental disorder represents the main point of contact between psychiatry and the law.<sup>[16]</sup> The early days of psychiatry in the 19<sup>th</sup> century were heavily influenced by eugenic considerations – it was assumed that a variety of deviant conducts could be explained by a tainted gene pool in the lower social classes. This degeneracy theory, which characterized early biological psychiatry, linked together the mad, the bad, and the dim. However, during the First World War and its aftermath such an underlying assumption began to falter. In the forensic field, there emerged a resistance to the old eugenic ideas of degeneracy, which accounted for criminality

in terms of an inherited disposition to bad conduct. This was replaced by an increasing interest in environmental or psychological explanations for law-breaking. Since that time, psychiatric experts have played a major role in identifying and explaining criminal conduct. Moreover, once there was that shift away from bio-genetic determinism, then this opened up questions, still pertinent today, and about psychological explanations. Given that the latter contain elements of determinism as well as assumptions about human agency, then case by case the balance allotted to each is always open to consideration and varying perspectives. The norms of the criminal justice system permit this ambiguity. For example, mental illness may be considered as a reason to exculpate criminal action in a context, in which usually intention, and therefore intentionality, is the focus of interest to judges and juries.

## CONCLUSION

It is extremely difficult to assume what parents are pushing for such terrible actions according to their children. The perpetrator of this criminal act is not aware of his own actions. The perpetrator is sick and needs to be treated. Unfortunately, the kids will not be return. Criminal acts of child murdering are rarely happening, and if the killers at least say to somebody what they plan to do, such tragedies could be prevented.

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