

Holly Maguigan, Who Fought for the Rights of Battered Women, Dies at 78

Through her scholarship and her teaching, she made it possible for women in abusive relationships to claim self-defense when fighting back.



Holly Maguigan in her office in Philadelphia in 1981, when she was a criminal defense lawyer. She drew on that experience when she became a law professor in 1986. Credit...Special Collections Research Center. Temple University Libraries, Philadelphia

By [Clay Risen](#)

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Holly Maguigan, a law professor who drew on her years as a criminal defense lawyer to revolutionize the legal tools available to women who defend themselves against abusive partners, died on Nov. 15 in Manhattan. She was 78.

Her husband, Abdeen Jabara, said she died in a hospital from cardiac arrest.

When Ms. Maguigan started practicing law, in the early 1970s, women with physically abusive partners had almost no recourse in the criminal justice system.

The police rarely investigated their claims but were quick to arrest them if they fought back. More frequently than they do today, juries and the public tended to blame the victim, asking why she didn't simply leave the relationship or flee an attack.

Those attitudes began to change in the late 1970s and early '80s, a cultural shift reflected in a series of books and movies — like the 1980 book [“The Burning Bed”](#) (and

the 1984 made-for-TV movie based on it), about a wife who kills her abusive husband — that gave voice to women suffering decades of violence.

Still, the law struggled to keep up. Defense lawyers were ill-prepared and often afraid to take on such clients. Judges often refused to hear evidence of previous abuse. And case law around self-defense assumed equally matched parties, so that a small woman who shot her much larger husband while he was beating her could be convicted of using excessive force.

That's where Ms. Maguigan stepped in. By then a professor at New York University, she proved tireless in her campaign to equalize the law for battered women. She connected lawyers with psychologists and other experts. She took on cases herself, then used that experience to inform an influential series of law review articles that reoriented self-defense law.

Among her most significant contributions was a lengthy 1991 article in the *University of Pennsylvania Law Review*, in which she provided data to show that a vast majority of women who use force to defend themselves against abusers do so during attacks or under imminent threat — not, as had long been assumed, during lulls in violent behavior.

It was a critical insight. Until then, many advocates had relied on the so-called battered-woman defense, which essentially claimed that women in abusive relationships could not be held responsible for their violent actions. Ms. Maguigan argued that in fact they should be — and that they should be able to claim self-defense to avoid prosecution.

“Unlike most law professors, what she did and wrote actually had actual impact on real people,” Steve Zeidman, a professor at the City University of New York School of Law who taught with Ms. Maguigan at N.Y.U., said in a phone interview. “It was trailblazing, and it had an impact. It forced people to realize that there were legitimate self-defense claims.”

Thanks to Ms. Maguigan's work, today it is much easier — though perhaps not easy enough in her view — for defendants in such cases to provide expert testimony and personal histories. Judges are better informed, and prosecutors are less likely to bring charges against battered women in the first place.

“I think if Holly were here,” Mr. Zeidman said, “she would say we have miles and miles to go, but we're on our way.”

Image



“Unlike most law professors, what she did and wrote actually had actual impact on real people,” said Steve Zeidman, who taught with Ms. Maguigan at New York University. Credit...N.Y.U. Photo Bureau/Hollenshead

Holly Maguigan was born on May 29, 1945, in Buffalo and grew up in Chester, Va., a suburb of Richmond. Her father, Harvey, ran a manufacturing plant, and her mother, Virginia (Smith) Maguigan, was a homemaker.

Holly did not, at first, want to go into the law; her dream was to teach medieval history.

“I really hated lawyers,” she said [on the radio show “Law and Disorder”](#) in 2013. “They only had stories about their cases and how great they were, and they would never post bail when people got arrested.”

She received a bachelor’s degree in history from Swarthmore College in 1966 and, after studying at the University of Oxford, received a master’s degree in the same subject from the University of California, Berkeley, in 1969.

It was in the Bay Area that her attitude about the law changed. She had become active in the antiwar, feminist and civil rights movements, and she witnessed firsthand the value of smart, progressive lawyers — not only in freeing defendants from jail, but also in crafting strategies for keeping them out of jail in the first place.

She attended law school at the University of Pennsylvania and, even before graduating in 1972, set her mind on becoming a public defender. She joined the Philadelphia public defender’s office after graduating and stayed for three years before going into private practice with David Rudovsky and David Kairys, themselves former public defenders.

The firm spent much of the 1970s defending clients against abuse at the hands of the Philadelphia police and, ultimately, Mayor Frank Rizzo, a former police chief renowned and reviled for his aggressive, often racist approach to crime.

Ms. Maguigan married Thomas Wright in 1969. He died in 1974. She married Mr. Jabara in 1997. Along with him, she is survived by a daughter from a previous

relationship, Miranda Tully; three brothers, Steve, Michael and Tim; and two grandchildren.

Ms. Maguigan left the firm in 1986 to teach at CUNY's law school, then moved to N.Y.U. a year later. She took emerita status in 2021.

For all the acclaim given to her advocacy and academic writing, perhaps Ms. Maguigan's biggest impact was as a teacher. Generations of students passed through her criminal defense clinics, many of whom went on to carry out the legal revolution she had begun. She was a co-president of the [Society of American Law Teachers](#), which gave her its Great Teacher Award in 2014.

"The law isn't self-enforcing," Helen Hershkoff, who taught at N.Y.U. alongside Ms. Maguigan, said in a phone interview. "Holly helped create changes in the law, and she trained lawyers able to carry out her new ideas."