



Battered Woman Syndrome *

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Introduction

Over the last two decades, community awareness of domestic and family violence has increased significantly and in line with this shift, substantial legal reforms directed at assisting victims of domestic violence and sexual assault have taken place. Whilst many of these changes have been welcomed by those working in the field of violence against women, since its inception, a great deal of controversy and confusion have surrounded the term '*battered woman syndrome*', how it is used and on what basis it can claim to explain the experiences of victims of intimate abuse. Essentially a construct for explaining the behavioural and cognitive patterns of battered women, the battered woman syndrome has achieved a legitimacy in psychological and legal circles unprecedented for theories of its kind (McMahon 1999). Whilst there is much debate as to whether or not such status is warranted, in light of recent studies revealing more than a fifth of all homicides occur between intimate spouses, and that the majority of women imprisoned for murder have, at some stage, been victims of domestic violence, its importance for professionals working in the field of domestic violence should not be understated (Carcach 1998; Mouzos 2001).

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This paper attempts to provide an overview of what BWS is and how it has been used in legal and other professional contexts in Australia before examining some of the major criticisms that have been directed at the theory. Alternatives to existing approaches are also explored.

What is Battered Woman Syndrome?

The term 'battered woman syndrome' was coined by psychologist and prominent feminist academic, Lenore Walker, to denote a set of distinct psychological and behavioural symptoms that result from prolonged exposure to situations of intimate partner violence. From July 1978 to June 1981 Walker conducted interviews with 435 women in the Rocky Mountain Region of Colorado, USA, each of whom had been, or were at the time, victims of domestic violence. These interviews were conducted with a view to identifying key sociological and psychological factors that made up the proposed battered woman syndrome but were also aimed at testing two specific theories about battered women – the cycle theory of battering and an adaptation of Martin Seligman's learned helplessness theory (Walker 1984).

Walker's Cycle of Violence

Walker hypothesised that spousal abuse generally occurred in cycles characterised by varying degrees of severity. She argued that in the first 'tension building' stage, the victim will be exposed to verbal and/or emotional abuse and minor incidents of physical violence, such as slapping. In response, the victim may attempt to pacify their abuser utilising techniques which have been effective in the past. Walker theorised that although the woman's primary objective is to avoid future conflict and her actions during this phase are aimed at furthering this objective, her passivity will most often reinforce the abusers violent tendencies and the tension in the relationship will continue to build until it culminates in the second stage – the acute battering incident. Although Walker acknowledged that the severity of violence used in this phase would vary, she argued it was at this

time that a victim's sense of fear and perceptions of danger were at their most heightened state as was the risk of death or serious injury. The discharge of tension in the second stage, according to Walker, would invariably lead to a third phase of 'loving contrition' in which the batterer would exhibit conciliatory behaviours and may attempt to convince the victim of their intentions to change (Walker 1984). Although it was not clear from the results of the study precisely how many times a victim must go through this cycle before they might be classified as suffering from BWS, Walker has since argued that once is sufficient for symptoms characteristic of the syndrome to appear and for the victim to fall into patterns of behaviour she identified as indicative of "learned helplessness" (Walker 1995).

The Theory of Learned Helplessness

Unlike previous research in the field, Walker's study did not presuppose a relationship between mental illness and subsequent susceptibility to intimate violence, rather, it attempted to demonstrate the frequency with which symptoms commonly associated with mental illness, such as depression, low self esteem and helplessness, appeared in women who had suffered long term domestic abuse (Walker 1984; Walker 1995). In the course of developing her synopsis, she utilised social learning theories to explore ways in which environmental factors could interact with individual personality traits to create particular behavioural, cognitive and emotional responses. Specifically, she adapted Seligman's theory of "learned helplessness" to explain why so many battered women fail to leave their abusers (Walker 1984).

Seligman's theory sought to explain certain forms of psychological paralysis by utilising social learning and cognitive/motivational theoretical principles. Based on a study conducted with laboratory animals whereby the animal was repeatedly and non-contingently shocked until they became unable to escape the painful situation, the theory argued that the reason the animals failed to attempt to escape, even when escape was both possible and readily apparent to animals

who had not undergone the previous shock treatment, could be found in their distorted perceptions of one's capacity to alter their position. These distorted perceptions, according to Seligman, resulted from an inability to predict the efficacy of one's actions. Seligman then drew comparisons between the behaviour of the animals in the study and certain forms of human depression, highlighting analogous cognitive, behavioural and motivational characteristics exhibited by each of these groups (Walker 1984). Drawing from Seligman's work, Walker hypothesised that continual exposure to battering, like electric shocks, would, over time, diminish a woman's motivation to respond and produce the same kinds of cognitive, behavioural and motivational responses. In other words, a woman who remained in a violent relationship was more likely to exhibit signs of learned helplessness than one who had never been in, or had escaped a violent relationship (Walker 1984).

A Definition of BWS?

What perhaps distinguished Walker's study from others in her field, and enabled her synopsis to achieve the legal and social-psychological status it has achieved, was that it combined the results of an extensive field study with these two theoretical models to produce a clear description of the patterns of violence in intimate relationships and their psychological/behavioural sequelae for female victims (Stubbs 1991). Whilst BWS has not yet been specifically listed in the DSM-IV¹, it is generally recognised as an implied sub-category of the medically certified post-traumatic stress disorder. Such an association between BWS and PTSD is commonly justified on the basis that many victims of domestic violence

¹ Commonly referred to as the DSM-IV, the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association is the primary diagnostic reference for mental health professionals in the United States and in Australia. It provides a comprehensive listing and diagnostic criteria for the most commonly recognised mental disorders, ranging from eating and sleep disorders to schizophrenia and depression. The DSM-IV was recently revised to include new research information developed since 1994 and is now referred to as the DSM-IV (TR).

exhibit symptoms comparable to those exhibited by persons who have undergone other traumatic life experiences, such as prisoners of war (Griffith 1995; McMahon 1999). BWS has also been included in the World Health Organization's International Classification of Diseases. On the basis of these classifications, researchers have attempted to define BWS, in diagnostic terms, as the development of characteristic physical, psychological and social abnormalities and symptoms, such as depression, low self esteem and isolation, which follow the direct personal experience of a series of violent acts by an intimate partner (Roth & Coles 1995; Walker 1995).

How is Battered Woman Syndrome Used?

Since its inception, Walker's battered woman syndrome has been utilised in a range of professional and institutional contexts, including clinical intervention programs, family law and custody disputes and as a basis for policy/legal reform. Its most debated and widespread usage however, has arguably been in the context of criminal defences (Tolmie 1994). Prior to the decision in *Runjanjic & Kontinnen (1991)*, when the South Australian Court of Criminal Appeal first recognised battered woman syndrome as an appropriate matter for expert evidence, women who committed offences in the context of a violent relationship were limited in what kinds of evidence they could adduce at trial because the traditional rules of evidence require only facts of relevance, not contextual factors, be raised. It was thus extremely difficult for women attempting to build a defence like self-defence, which requires a defendant show their actions were both necessary and reasonable in the circumstances, to bring evidence that might challenge traditional stereotypes of battered women who kill or explain why simply leaving her abuser was not a viable option (Easteal 1991). The requirement, both in self-defence and partial defences like provocation or duress that the threat/attack be imminent was equally problematic. It was therefore not surprising that many feminists involved in the movement for legal reforms hailed the decision of the Canadian Supreme Court in *Lavallee (1990)*, and its

subsequent acceptance in *Runjanjic*, as a significant step forward (Bradfield 1998; Easteal 1991).

The decision in *Runjanjic*, was quickly followed in other Australian jurisdictions and has since been endorsed by the High Court (Barnes 1999). Although evidence of BWS has principally been raised to support either a full or partial defence in homicide cases involving women charged with killing their abusive spouse, it has also been presented in cases of social security fraud, armed robbery, shoplifting, charges of perverting the course of justice and in one case, breaching the *Companies (Tasmania) Code* and dishonestly obtaining financial advantage (Stubbs 1999). Testimony of BWS has been deemed relevant to assessing a woman's state of mind in custody disputes, civil actions and where the defendant is charged as a criminal accomplice (Griffith 1995). The use of evidence of BWS in mitigation of sentence, the exercise of prosecutorial discretion and/or appeals grounded in allegations of miscarriage of justice has also been accepted in some instances (Tolmie 1994). It is important to note however, that while evidence of BWS may be used to bolster traditional legal defences and arguments, by providing a jury with information that assists them in understanding a battered woman's perceptions and actions, the position in Australia, and indeed in most jurisdictions internationally, is that it does not constitute a criminal defence in and of itself. As was made clear in *Osland v The Queen (1999)*, where the High Court took a relatively cautious stand towards syndrome evidence generally, BWS is an appropriate matter for expert evidence but is viewed as forming only part of all the evidence that must be considered by a jury or judge in reaching a particular decision (Barnes 1999; Hocking 2000).

Further, unlike in other jurisdictions, the purpose of admitting evidence of BWS is not generally seen as a way of challenging gender bias in conventional legal defence strategies and standards of reasonableness. Rather, it is viewed as evidence that may be helpful for a jury in understanding a woman's perceptions and actions in situations of intimate violence and in turn be relevant to their understanding of the woman's state of mind, at the time the crime was committed

(Stubbs 1999). A corollary to this is that expert evidence of BWS is generally presented in a clinical light, usually by a psychologist or psychiatrist, and social aspects of the 'syndrome', such as the absence of viable housing alternatives and the economic dependence of a victim on their spouse, are not emphasised. As Easteal points out, the role of the BWS expert is to educate the judge and jury in the potential psychological effects of abusive relationships and to help explain why women stay in such relationships, in terms of learned helplessness, cyclical violence and post-traumatic stress theories (Easteal 2001). Factual comparisons between model cases and the victims circumstances may be drawn and the expert will often give their opinion as to whether the woman suffers from the syndrome and/or whether at the time of the offence, her perception of the imminence of harm might have been heightened by reason of her past experiences. The role of the expert does not, however, extend to offering opinions as to guilt or innocence or helping a jury understand the social framework in which intimate violence against women occurs (Barnes 1999; Easteal 2001).

Criticisms of Battered Woman Syndrome

As the preceding discussion indicates, there are a number of criticisms that may be directed at the use of battered woman syndrome, both in a legal context and in clinical environments. Such criticisms have tended to fall into one of two areas – those directed at the methodological and conceptual flaws in Walker's research and consequently, the construct of BWS itself and those stemming primarily from feminist legal academics whose focus has been on the failure of BWS to present any significant challenge to gender bias in western legal systems. More recently, as the use of BWS has extended to cases involving Indigenous, homosexual and Pacific-Asian Immigrant defendant/victims, the applicability of a theory based on research conducted with primarily middle class Caucasian women, to the situations of men and women from a diversity of cultural and socio-economic backgrounds has been called into question.

Methodological and Conceptual Criticisms

Although Walker's battered woman syndrome has been widely accepted both in the courts and in the medical/psychiatric community, a range of criticisms directed at the conceptual viability of her theory remain unaddressed (McMahon 1999). Firstly, BWS as defined by Walker may be set apart from the majority of recognised disorders in that it describes the behavioural and psychological characteristics of not only the victim, but also the perpetrator. By working her analysis of the psychology of the perpetrator into her cycle of violence, it is arguable Walker purports to draw both victim and perpetrator into her 'diagnosis' (McMahon 1999). Secondly, it has been suggested that one must treat with caution any theory which derives solely from a study of a select group of women, most of whom were no longer living with their abusive partners at the time of participation and were from limited socio-economic and cultural backgrounds (Gray 1998; Orloff 2002; Warren 2002). Thirdly, the notion of staying with, rather than leaving an abusive partner as a coping strategy is not really explored in Walker's earlier work. Although she has since addressed the issue to some extent, the basic construct of learned helplessness that Walker utilised to develop the theory of BWS does not contemplate the choice to stay as anything other than a passive and submissive response (Griffith 1995; Dutton 1996; Seuffert 1999). Alternative theories such as those posed by Gondolf and Fisher perhaps provide a more realistic portrayal of battered women as 'survivors' rather than 'victims' (Gondolf 1988).

A further criticism that might be directed at the conceptual basis for Walker's theory is that while it may explain why some women stay, the actions of women who tend to rely on her theory, that is, women who kill, tend to contradict rather than confirm her synopsis. Research has shown that in situations where a victim ultimately kills her partner, one or more factors have differentiated that particular incident from countless others (Easteal 1991). Blackman and Browne have referred to this as a 'turning point' often involving more serious threats or battering, or a threat to others in the family. The advent of such a 'turning point'

is arguably incongruous with both a learned helplessness response and Walker's cyclical theory of violence because it involves a diversion from, and not a continuation of existing cognitive and behavioural patterns (Browne 1987; Blackman 1989).

In addition to these conceptual difficulties, a number of methodological flaws have been identified in Walker's study by subsequent research. For example, Walker failed to use a control group so never really compared the psychological conditions of the women in her study with women who had never experienced violence (McMahon 1999). The frequency with which women in her study exhibited behaviours other than the expected learned helplessness response was never adequately explained or accounted for in her conclusions and any data Walker obtained on perpetrators in the course of her study was provided from the perspective of the female victim. Any conclusions she drew on the basis of this information were thus reliant on a secondary method of sampling that is not generally recognised for its empirical reliability or validity (McMahon 1999). Lastly, the results of Walker's study have never been replicated. Indeed, as studies such as that conducted by Dutton & Painter (1993) have directly contradicted Walker's assertion that a three-stage cycle of violence is the norm in domestic violence situations, it is arguable that her study and her resulting theory have failed to pass the test most scientifically recognised research is required to – that of external validity (Dutton & Painter 1993; Gleason 1993; Duncan 1996).

Many of the methodological criticisms directed at Walker's research could arguably be addressed through the use of a broader range of qualitative and quantitative research techniques. The potential for such an approach to broaden and enhance our understanding of violence against women and its impact on women's behaviour and psychology is discussed further in relation to the use of social framework evidence, later in this paper.

Feminist Criticisms

Whilst many feminist legal academics hailed the acceptance of battered woman syndrome by Australian courts as a milestone for women's legal rights, anticipating it would pave the way towards substantive challenges to prevailing masculine legal structures, (Easteal 1991) it has become apparent since the decision in *Runjanjic*, particularly to those who have studied the use of expert evidence of BWS in specific cases, that the 'syndromisation' of women's experiences, and the classification of women and men from a diversity of social and cultural backgrounds within a single theoretical construct, should not necessarily be greeted with unqualified support (Easteal 1991; Schaffer, 1997). Throughout the 1980s, much of the commentary on BWS by feminist academics was uncritical, tending to view a small victory as preferable to no victory at all (Easteal 1991). The introduction of BWS was essentially advocated as a way of helping to establish new standards against which a defendant/victims' behaviour might be measured. What earlier advocates seemed to overlook however, was that rather than impugning the predominantly male discourses that have constituted and defined legal rules and standards, use of the BWS to explain a battered woman's actions only redefines her experiences to fit within the prevailing structures (Stubbs 1991). As Stubbs argues, while the intention may have been to show the court that a woman who resorts to self help in a situation of domestic violence behaved reasonably given her status as a victim and the history of abuse, because BWS defines what is reasonable through explication of a syndrome, the woman's actions are still represented as irrational (Stubbs 1991). In other words, instead of being used to explain the gendered nature of the legal standards of reasonableness inherent in most criminal defences, BWS has been used to explain women's failure to meet these standards.

The use of evidence of BWS as a legal defence strategy was also thought by many to be a way of breaking down some of the myths that often damaged female defendant/victims in court. It was thought that by introducing evidence of the cyclical nature of violence and providing a psychological explanation for a

woman's decision to stay in a violent relationship, juries would be in a better position to discard stereotypical notions of women who kill their violent partners as provocative or unstable (Walker 1995). Again, such an argument overlooks the fact that pathologising women's experiences, only fits them within conventional legal dichotomies, it does not transcend them. Further, where women of different ethnic and cultural backgrounds, or women of same-sex orientation are concerned, there is a vast array of additional stereotypes and social stigmas that intersect with and compound those attached to white, middle class, heterosexual women and are not addressed by Walker's theory (Stubbs 1995; Simone 1997).

Another argument originally posed in favour of introducing evidence of BWS was that it would overcome traditional restrictions on contextual or background evidence being admitted at trial, and allow a jury to see a defendant's/victim's actions in their circumstances. However, because the theory developed by Walker focuses on the psychology of the victim and the ways in which they are 'abnormal' and/or deficient, it has been contended that attention is ultimately directed away from the myriad of social, economic, political and cultural factors that can perpetuate, condone or sanction violence against women and trap victims in situations of last resort. There is no syndrome to explain the psychology of the perpetrator, or the society that perpetuates and legitimises their actions, so why should a specific pathology be attributed to the victim? (Martinson 1991; McCarthy, 1995).

Finally, and perhaps most significantly, the emergence of cases in which evidence of BWS has been misused, applied in inappropriate contexts or utilised to damage a victim/defendants case has received strong criticism. Indeed, in the US, evidence of BWS has actually been used to bolster the defence of male defendants charged with the murder of their female partners and Lenore Walker herself has been called as an expert witness (Griffith 1995). Battered women's experiences of and reactions to violence will vary greatly according to a range of factors and attempting to confine them to a single diagnosis or construct will

invariably run the risk of creating yet another legal dichotomy, whereby those who fit the profile may benefit and those who don't are discredited (Dutton 1996). To illustrate, in some cases evidence of BWS is used in support of a self-defence argument even though external circumstances might have adequately explained a defendant's behaviour. In such cases, it is difficult to see how expert evidence is relevant – the traditional self-defence doctrine requires only that a defendant's actions were reasonable, in the circumstances as he/she perceived them at the time and complicating matters by reference to a defendant's psychological 'abnormality' can only present their behaviour in a less than reasonable light (Budrikis 1993). Recognising the dangers associated with applying a single theoretical construct to a diversity of experiences is particularly important in the context of women from different cultural and ethnic backgrounds or victims of different sexual orientation where a range of situational factors, cultural barriers and/or discriminatory practices and structures will be relevant to understanding a victim's experience (Tolmie 1994; Warren 2002).

Conclusion - Alternatives to BWS?

It would seem that proponents and critics alike are left in a state of uncertainty as to what, if any, role Walker's theory of battered woman syndrome should continue to play within legal and social-psychological professional contexts. Whilst it is true that prior to the introduction of expert evidence of BWS in Australian courts there were no reported cases of battered women charged with murdering their spouses receiving a full acquittal and very few cases in which reduced, non-custodial or suspended sentences were handed down on the basis of the history of abuse in the relationship, it is not clear how much of what has been achieved may be attributed directly to Walker's thesis (Stubbs 1999). Nor should the instances in which use of the construct has benefited women be permitted to detract attention away from the myriad of criticisms that have been directed at both the methodological and conceptual basis for the theory and its failure to present any substantive challenge to conventional legal reasoning

(Bradfield 2002). If such difficulties are to be overcome, it is clear that alternatives to current mechanisms must be considered.

In recent years, critics from a range of professional backgrounds have begun to argue for the expansion of statutory definitions of self-defence, provocation and like defences to better acknowledge and account for the experiences of battered women (Law Reform Commission 1994). As Stubbs and Tolmie note however, there is considerable debate surrounding what form such amendments should take and whether or not the language of BWS would be any more beneficial to women once codified (Stubbs 1995). In accordance with this recognition, others have argued for the broadening of the scope of evidence that might be adduced at trial to better reflect the breadth of empirical knowledge available concerning battering and its effects. Indeed, in the US, it is increasingly accepted that the term BWS is too narrow and may lead a jury, or the public, to draw unfavourable inferences regarding women's behaviour (Stubbs 1999).

The admission of 'social framework evidence' or evidence that places a greater emphasis on the context of abuse and its consequences beyond that contemplated by a psychological analysis, is now the preferred approach in a number of US jurisdictions (Dutton 1996). What distinguishes the admission of social framework evidence from the use of expert testimony on BWS is that only the latter carries with it an inherent recognition of the gendered nature of legal rules and structures and affirms that a range of social, cultural, economic and political factors can compound and perpetuate not only stereotypical beliefs about battered women, but violence against women itself. As Dutton points out, the role of the expert witness, and thus the criteria for choosing the expert witness are also markedly different, such that the testimony of someone who has extensive health care, advocacy or counselling experience with battered women may be considered as, if not more appropriate than a psychologist/psychiatrist whose expertise rely primarily on scientific and empirical research (Dutton 1996). A strong argument in favour of the use of social framework evidence then, is that it does not confine itself to one theoretical perspective, but potentially paves the

way for a vast array of knowledge and expertise to be brought before a court, such as strengths based or 'survivor' theories that emphasise battered women's resources and coping skills or discourses that recognise the intersection of racial/cultural and gender barriers and the 'complex personhood' of victims (Gondolf 1988; Budrikis 1993; Seuffert 1999).

Although the use of 'social framework evidence' per se has thus far been confined to the US and Canada, recent Australian cases have demonstrated a much more sophisticated understanding of the nature of abusive relationships and phenomena such as separation assault. The case of *Gilbert (2001)*, in which an Aboriginal elder and an Aboriginal Police Liaison Officer from a remote Indigenous community were called to testify on behalf of a woman accused of murdering her spouse, is illustrative of these developments (Stubbs 1999; Bradfield 2002). As community and judicial awareness of domestic violence and other forms of gendered violence improves, it is possible that knowledge of what is 'reasonable' for a battered woman will not be so far beyond the understanding of the 'ordinary person' that categorising women's experiences and drawing connections to existing bodies of medical and psychological literature will be necessary. While BWS remains the predominant psychological construct recognised by Australian courts in cases involving battered women however, an understanding of what it is, how it can be used and how its use can be both inappropriate and counterproductive is critical for professionals working in the field of domestic and family violence.

Table of Cases

Runjanjic and Kontinnen (1991) 56 SASR 114

R v Hickey (unreported NSWSC 14 April 1992 Slattery AJ)

Osland (1999) 159 ALR 170

Webb v R (1997) SASC 6150

R v Kina (unreported, QLDCCA 29 November 1993 Allen J)

R v Woolsey (unreported NSWSC 19 August 1993 Newman J)

R v Gunnarsson Weiner (unreported, TasSC 13 August 1992 Zeeman J)

Lavallee v R (1990) 4 WWR 1

Chhay (1994) 72 A Crim R 1 (NSWCCA)

R v Gilbert (2001) QCA 18 (7 February 2001)

R v Buzzacott (unreported SASC 21 July 1993 Bollen J)

Winnett v Stephenson (unreported Magistrates Court of the ACT 19 May 1993, Burns M)

References

Barnes, G. 1999, 'Private violence, gendered justice: are gender constructions integral to understanding lethal violence as an act of self-defence?' *Alternative Law Journal*, vol. 24, no. 2, pp.12-20.

Blackman, J. 1989, *Intimate Violence*, Columbia University Press, New York.

Bradfield, R. 1998, 'Is near enough good enough? Why isn't self-defence appropriate for the battered woman?' *Psychiatry, Psychology and Law*, vol. 5, no. 1, pp. 71-85.

Bradfield, R. 2002, 'Understanding the battered woman who kills her violent partner: the admissibility of expert evidence of domestic violence in Australia', *Psychiatry, Psychology and Law*, vol. 9, no. 2, pp. 177-199.

Browne, A. 1987, *When Battered Women Kill*, The Free Press, New York.

Budrikis, K. 1993, 'Note on Hickey: the problems with a psychological approach to domestic violence', *Sydney Law Review*, vol. 15, no. 3, pp. 365 -372.

- Carcach, C. A. & James, M. 1998, *Homicide Between Intimate Partners in Australia*, Australian Institute of Criminology, Canberra.
- Duncan, K. L. 1996, 'Lies, damned lies and statistics? Psychological syndrome evidence in the courtroom after Daubert', *Indiana Law Journal*, vol. 71, no. 3, pp. 753-771.
- Dutton, M. A. 1996, Critique of the "Battered Woman Syndrome" model. *National Electronic Network on Violence Against Women*. Available: <http://www.vaw.umn.edu/documents/vawnet/bws/bws.html> [2003 25 August].
- Dutton, D. G. & Painter, S. 1993, 'The battered woman syndrome: effects of severity and intermittency of abuse', *American Journal of Psychiatry*, vol. 63, no. 4, pp. 614-622.
- Easteal, P. 1991, 'Battered women who kill: a plea of self-defence', in *Women and the law : proceedings of a conference held 24-26 September 1991*, eds P. Easteal & S. McKillop, Australian Institute of Criminology, Canberra.
- Easteal, P. 2001, *Less Than Equal: Women and the Australian Legal System*, Butterworths, Sydney.
- Gleason, W. J. 1993, 'Mental disorders in battered women: an empirical study', *Violence and Victims*, vol. 8, no. 1, pp. 53-68.
- Gondolf, E. F., E. 1988, *Battered Women as Survivors: An Alternative to Treating Learned Helplessness*, Lexington Books, Lexington, Mass.
- Gray, S. 1998, 'Case note: Aboriginal women and the 'battered woman' syndrome: Secretary v The Queen', *Indigenous Law Bulletin*, vol. 4, no. 13, pp. 18-19.
- Griffith, M. 1995, 'Battered woman syndrome: a tool for batterers?', *Fordham Law Review*, vol. 64, no. 1, pp. 141-198.
- Hocking, B. A. 2000, 'A tale of two experts: the Australian High Court takes a cautious stand', *The Journal of Criminal Law*, vol. 64, no. 2, pp. 245-255.

- Law Reform Commission, 1994, *Equality Before the Law: Justice for Women*
The Commission, Sydney.
- McCarthy, T. 1995, 'Battered woman syndrome: some reflections on the invisibility of the battering man in legal discourse', *Australian Feminist Law Journal* vol. 4, pp. 141-151.
- McMahon, M. 1999, 'Battered women and bad science: the limited validity and utility of battered woman syndrome', *Psychiatry, Psychology and Law*, vol. 6, no. 1, pp. 23-49.
- Martinson, D., MacCrimmon, M., Grant, I., & Boyle, C. 1991, 'A forum on Lavalley v. R.: women and self-defence', *University of British Columbia Law Review*, vol.25, no. 1, pp. 23-68.
- Mouzos, J. 2001, *Homicide in Australia: 1999-2000*, Australian Institute of Criminology, Canberra.
- Orloff, L. E. & Kaguyutan, J. 2002, 'Offering a helping hand: legal protections for battered immigrant women: a history of legislative responses', *Journal of Gender, Social Policy and the Law*, vol. 10, no. 1, pp. 97-183.
- Roth D. L. & Coles E. M. 1995, 'Battered woman syndrome: a conceptual analysis of its status vis a vis DSM-IV mental disorders', *Medicine and Law*, vol. 14, no. 7-8, pp. 641-658.
- Schaffer, M. 1997, 'The battered woman's syndrome revisited: some complicating thoughts five years after R v Lavalley', *University of Toronto Law Journal*, vol. 47, no. 1, pp. 1-33.
- Seuffert, N. 1999, 'Domestic violence, discourses of romantic love, and complex personhood in the law', *Melbourne University Law Review*, vol. 23, no. 1, pp. 211-240. Available: <http://www.austlii.edu.au/au/journals/MULR/1999/8.html> [2003, August 26].
- Simone, C. 1997, 'Kill(er) man was a battered wife: the application of battered woman syndrome to homosexual defendants', *Sydney Law Review*, vol. 19, no. 2, pp. 230-239.

- Stubbs, J. 1991, 'Battered women's syndrome: an advance for women or further evidence of the legal system's inability to comprehend women's experience?', *Current Issues in Criminal Justice*, vol. 3, no. 2, pp. 267-270.
- Stubbs, J. & Tolmie, J 1995, 'Race, gender and the battered woman's syndrome: an Australian case study', *Canadian Journal of Women and the Law*, vol. 8, no. 1, pp. 122-158.
- Stubbs, J. & Tolmie, J. 1999, 'Falling short of the challenge? A comparative assessment of the Australian use of expert evidence on the battered woman syndrome', *Melbourne University Law Review*, vol. 23, no. 3, pp. 709-748.
- Tolmie, J. S. J. 1994, 'Battered woman syndrome in Australia: a challenge to gender bias in the law?' In *Women, Male Violence and the Law*, ed J. Stubbs, The Institute of Criminology, Sydney.
- Walker, L. E. 1984, *The Battered Woman Syndrome*, Springer Publishing Company, New York.
- Walker, L. E. 1991, 'Post traumatic stress disorder in women: diagnosis and treatment of battered woman syndrome', *Psychotherapy*, vol. 28, no. 1, pp. 21-29.
- Walker, L. E. A. 1995, 'Understanding battered woman syndrome', *Trial*, vol. 31, no. 2, pp. 30-37.
- Warren, L. 2002, 'The indigent defendant's toolbox: debating the addition of the battered woman syndrome expert', *University of Chicago Law Review*, vol. 69, no. 4, pp. 2033-2055.