

Battered Woman's Syndrome: A Tragic Reality, an Evolving Theory.

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Content Note: This essay deals with themes of abuse and violence.

Abstract

Battered Woman's Syndrome became a crucial area of study that complemented the feminist movement of the 1970s. While criminologists generally began to analyse women's role in crime, Lenore Walker, author of 'Battered Woman', focused her research on women enduring domestic violence and the effects of this continued abuse. Walker's research revolutionised opinions and beliefs around domestic violence, but her theory has been met with much criticism. Critics feel that this syndromisation pathologises women, and that it does not adequately represent a woman's response to this abusive treatment. This article analyses the competing theories to illustrate the progression and give a critical analysis around Battered Woman's Syndrome.

Introduction

The grassroots of feminist criminology were established in the 1960s, at a time where there was a newfound focus on the status of women in society generally. Women that had previously evaded focus in criminological studies came to the forefront during a time of liberal rallies lobbying to increase the autonomy and political status of females. The women's movement in the late 60s and 70s strongly challenged the belief that domestic violence was

acceptable.¹ Grassroot feminist movements in the US under the title of ‘We will not be beaten’ began to dispel this norm and demand change in the laws.² While simple recognition that intimate partner violence was unacceptable, the road to recognising battered woman’s syndrome required deeper analysis and effort. Terms such as ‘wife battering’ and ‘spousal abuse’ labelled a phenomenon that had been ignored by ‘science, the criminal justice system, and the public health system.’³ This essay in no way discriminates or diminishes the abuse that is endured by men in similar relationships but recognises that a higher percentage of female actors will mimic the cycles to be described below. Battered Woman’s Syndrome is best described as persistent violence perpetrated by a partner, which potentially results in physical and psychological alternations in the female victim behaviours. As Battered Woman’s Syndrome results from persistent domestic violence, an understanding of domestic violence is also posited here. This essay examines the original conception of Battered Woman’s Syndrome, its progression and application, while presenting the potential pathology it conveys, and contrasting it with alternate theories and perspectives.

What is Battered Woman’s Syndrome?

American psychologist Lenore Walker is credited for pioneering her research into woman battering as the victim in her book ‘The Battered Woman’ in 1979.⁴ She found that existing studies of domestic violence lacked the perspective of the woman as

¹ Ruth Rosen, ‘We Will not be Beaten’ (Gender, Sexuality and Justice, 8th September 2014) <<https://www.opendemocracy.net/5050/ruth-rosen/we-will-not-be-beaten>>

² Noel Rivers-Schutte, *History of the Battered Woman Syndrome- a fallen attempt to redefine the reasonable person standard in domestic violence cases* [2013] Seton Hall University

³ Connie Mitchell, *Intimate Partner Violence: A Health-Based Perspective* (Oxford University Press 2009)

⁴ Lenore Walker, *The Battered Woman* (Harper & Row 1979).

a victim.⁵ Her book was revolutionary for the time. It began to publicise domestic violence by bringing awareness towards its various negative impacts. While many have criticised her approach and others applaud it, it is undeniable that Walker produced a lasting impact on this area of study that is universally recognised. Battered Woman's Syndrome is not developed purely from an individual's own actions, but from the effects of violence perpetrated on more than two occasions from someone else.⁶ The theory of Battered Women's Syndrome sought to explain why women remained in their abusive relationships, and consequently may have killed their partners.

Walker outlines her theory on the cycle of domestic violence in three phases: a) tension building, b) an acute battering incident, c) contrition and d) kindness. The fourth element, kindness, described by some as the 'honeymoon phase', is the essential aspect that continually draws these women to remain in the cycle.⁷ Some psychologists theorise that there is a biological response from the abuse, where she is so 'emotionally and physically drained' that she needs support, which in turn is presented by the abuser.⁸ Not only is the woman mentally fragile, but she may even have a biological response that is magnetising her back to her violent partner, which ultimately becomes out of her control. The range of women that are affected by this violence do not fit into a singular category, as there are a complex of social matrices involved.⁹ Many women may be classified under Battered Woman's Syndrome, but the controversial aspect is how this classification affects a criminal trial where the battered woman kills her partner.

⁵ Ibid. xv

⁶ Ibid.

⁷ Noel Rivers-Schutte, 'History of the Battered Woman Syndrome- a fallen attempt to redefine the reasonable person standard in domestic violence cases' [2013] Seton Hall University.

⁸ Ibid.

⁹ Edward W. Gondolf, *Assessing Woman Battering in Mental Health Services* (Sage Publications 1997) 114

Development of the Theory

A crucial task facing those studying domestic abuse was the need to explain why women remained in abusive relationships. Learned helplessness quickly became the concept that bound together Walker's theory. The origins of learned helplessness are derived from Martin Seligman's experiments on animals. Follow up studies and other details of learned helplessness is beyond the scope of this essay, but what is relevant is the application Walker made from this research to her theories on domestic violence. Essentially, she posits that once a woman begins to enter into this perception of helplessness, she becomes 'passive, submissive, and helpless.'¹⁰ She finds that women accept battering as 'a way of life' and they believe there is no way to change it.¹¹ This learned helplessness application was revolutionary in the sense that it explained why women remained under perpetual abuse in a simple way. Her reasoning found a psychological explanation to justify why women were remaining in domestic violence situations. This removed the blame from women and dissipated the myth that women remaining in these relationships receive pleasure from it in a masochist way.¹² The layperson struggles most with understanding why a woman has subjected herself to persistent violence, and for that, an explanation of learned helplessness relieved the blame and bias on the female for not remedying the abusive situation much sooner. It is important to look at Walker's theory in the cases where the woman has killed her abusive partner. Women who kill their partners have often been abused for a significant period of time and they feel that their only option to prevent future violence or harm is through this homicide.¹³ It is rare for this murder to be premeditated, but when a case like this occurs, raising self-defence is a much more difficult task to prove.

¹⁰ Lenore Walker, *The Battered Woman* (Harper & Row 1979) 47

¹¹ Lenore Walker, *The Battered Woman* (Harper & Row 1979) 48

¹² Lenore Walker, *The Battered Woman* (Harper & Row 1979) 20

¹³ Connie Mitchell, *Intimate Partner Violence: A Health-Based Perspective* (Oxford University Press 2009) 345

Walker's theory provides women as defendants a pathology to explain her actions that she argues are derived from the past abuse. Sarah Gibbs notes that Battered Woman Syndrome arose 'as a way of explaining the apparently irrational behaviour of women who choose to kill rather than leave the men who abuse them.'¹⁴ She finds that this classification only portrays the instability and irrationality of the women in these situations while reinforcing their 'incapacity and inferiority.'¹⁵ Being classified as a battered woman has had effects in child custody cases where the mother is depicted as irrational and unreasonable from her previous associations with domestic violation and her inability to protect her children¹⁶. It is important to analyse whether this descriptor of BWS is helping or hindering women more in the conquest to understand their unique domestic violence encounters and actions. This argument is central to critics of BWS, where they feel the pathology and connotation that BWS presents, is substantively hurtful.

Is BWS a pathology?

Battered Woman's Syndrome is not a disorder in 'The Diagnostic and Statistical Manual of Mental Disorders (DSM V)'. There is a large debate over whether BWS is a mental disorder, whether it is an accurate subset of PTSD, or whether it is not a scientific diagnosis at all. This section aims to analyse those various arguments and the benefits/detriments of each argument.

Mitchell Anglin recognises that Intimate Partner Violence(IPV) is not a classifiable diagnosis, but that it fits the 'definition of mental disorder as a harmful dysfunction.'¹⁷ Anglin argues that if intimate partner violence is considered a public health

¹⁴ Sarah Gibbs Levick, 'Use of Battered Woman Syndrome to Defend the Abused and Prosecute the Abuser' [2005] 6 *The Georgetown Journal of Gender and the Law* (3)

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ Connie Mitchell, *Intimate Partner Violence: A Health-Based Perspective* (Oxford University Press 2009)

problem, it increases its publicity and awareness.¹⁸ The World Health Organisation considered Intimate Partner Violence to fall into scope as a health concern.¹⁹ Their analysis of IPV purports to argue that this violence is a health issue, with scientific support for its status.

Critics of DSM (Diagnostic and Statistical Manual of Mental Disorders) and diagnostic labels found that 'the growing connections between psychiatry and social movements made psychiatry seem like a logical tool for a variety of political ends.'²⁰ Jennifer Dodd offers that feminists preferred a sociological reading of gendered issues, but this was at odds with the 'mental health care workers' professional investment in the psychiatric ones.'²¹ It has been contested that the DSM falls short on its lack of pathology, as Lenore Walker has promoted an entirely separate classification of battered woman's syndrome in DSM. In contrast, there are claims that the battered woman lacks empirical support as a clinical syndrome.²²

Mary Ann Dutton criticises the pathology of Battered Woman's Syndrome. She contends that it creates a 'stereotyped image of pathology.'²³ There is a focus on all of the negative aspects of a battered woman, which excludes her strengths and other positive characteristics. Dutton finds that this pathology defines

¹⁸ Connie Mitchell, *Intimate Partner Violence: A Health-Based Perspective* (Oxford University Press 2009) 1

¹⁹ World Health Organisation, 'Intimate Partner Violence' (2012, WHO/RHR/12.36)

²⁰ Jennifer Dodd, "The name game": Feminist protests of the DSM and diagnostic labels in the 1980s" (2015) 18(3) *History of Psychology*

²¹ *Ibid.*

²² Marilyn McMahon, "Battered women and bad science: The limited validity and utility of battered woman syndrome" (2009) 6 (1) *Psychiatry, Psychology, and Law*

²³ Mary Ann Dutton, "Critique of the "Battered Woman Syndrome" Model" (2014) *The American Academy of Experts in Traumatic Stress* < <http://www.aets.org/article138.htm> >

women as 'flawed, damaged, disordered, or abnormal in some way.'²⁴ She does not want battered women to be viewed as inherently damaged and finds that this sends the wrong message to judges and juries. Patricia Barnett also finds that this syndrome is criticised for labelling women as pathological. She suggests that this classifies women as being all the same by suffering this psychological disability which prevents the women from 'acting normally'.²⁵ While Dutton makes a fair point that it creates a stereotype of a battered women by labelling her with this syndrome, there is no classification for other syndromes that portray both positive and negative effects.

Furthermore, Dutton is a critic of Lenore Walker's theory on learned helplessness. She notes that Seligman, the original theorist of learned helplessness, refutes Lenore Walker's theory. She also argues that women utilise passive behaviour in order to remain safe which makes them appear helpless. The argument that women are purposely choosing to act this way in order to stay safe is paradoxical. From their line of reasoning, women are using passivity as a coping mechanism to prevent more violence from occurring. While it may appear that the women are actively trying to protect themselves, they ultimately are still remaining in the domestic violence situation. It is convincing in one sense that the original theorist of learned helplessness disagrees with Walker's further analysis of the theory. On the other hand, one must recognise that Seligman may not have expected his research to have application on domestic violence scenarios and does not agree with the motivation for his original ambit of research. Dutton automatically postulates there are things inherently wrong with Battered Woman's Syndrome, but she fails to provide a cohesive approach in solving these flaws. She supports the idea that this syndrome has a

²⁴ Ibid.

²⁵ Patricia Barnett, 'The Walker Cycle of Violence and its Applicability to Wife Battering in the South African Context' (1993) University of the Witwatersrand Johannesburg

perception of a diagnosis and that unnecessarily stigmatises the woman on trial.²⁶ She reckons the term has persisted due to its simple over generalised description of a 'far more complex issue.'²⁷ Such an argument can be applied to any syndrome, or psychological phenomenon. Each classification can be considered too broad or too general, yet they persist due to their utility in the majority of cases. An esteemed international body, the World Health Organisation, labels 'battered spouse syndrome' and 'the effects of abuse of an adults' as maltreatment syndromes.²⁸ While it may not be recognised under DSM, the WHO found it worthy enough of a syndrome to label it as such.

Alternate Theories

Author and psychologist, Evan Stark, has been a long-time investigator into domestic violence. His more prominent text, 'Coercive Control,' looks at a different perspective into domestic violence. In some of his chapters he loosely refers to Lenore Walker's theories, while expanding on her doctrines and tying it together with his theory of coercive control. He finds that this element of coercive control is what essentially furnishes domestic violence, and that it is more about the power of the man, and not his physical strength. Men derive social strength from unequal power relationships which leads to woman battering.²⁹ There may be previous psychological issues that precede the violence, yet Stark focuses in on the deficient social structures and values that are being reinforced in these relationships. Stark and Walker both agree that

²⁶ Mary Ann Dutton "Update of the "Battered Woman Syndrome" (The National Online Resource Center on Violence Against Women August 2009) < https://vawnet.org/sites/default/files/materials/files/2016-09/AR_BWSCritique.pdf>

²⁷ Ibid.

²⁸ Jennifer Dodd, "The name game": Feminist protests of the DSM and diagnostic labels in the 1980s" (2015) 18(3) History of Psychology

²⁹ Evan Stark and Anne Flitcraft, *Women at Risk: Domestic Violence and Women's Health*, (Sage Publications 1996) 168

gender equality and cultural perspectives significantly contribute to the domestic violence realm. In contrast to Walker's learned helplessness, Stark contends that due to the subordination and psychosocial problems in the relationship, 'avenues of escape are both literally and psychologically closed, and women become entrapped.'³⁰ Nonetheless, both psychologists recognise there is a binding force that keeps a woman in the domestic violence situation. Stark examines the differences in responses from violence against males and females. Similar patterns of injuries only show to elicit deep 'psychosocial profiles' and that he believes this is due to the 'convergence of coercive control and institutional response when abused women seek help.'³¹ It is not the battering alone that produces the various psychological effects, but the element of coercive control.³² His theory here complements the idea that domestic violence does not have to be exclusively physical to create a harmful environment. At the core of domestic violence is coercive control, no matter if emotional, verbal or physical abuse is present. In focusing attention away from the type of abuse suffered to the elements of control present, Stark's theory is very useful. Battered women who kill may struggle to show evidence of bruises from assault attacks if their violence has been more verbal, and for that, an understanding of coercive control provides a universal analysis into domestic violence encounters. Stark argues that the initial conception of Battered Woman's Syndrome failed to 'link social and interpersonal dynamics adequately to learned helplessness.'³³ He refutes the idea that women are inactive to their own fate, and that previous discussions of BWS fail to investigate the woman's aggressiveness and other traits in a dialectical way. Stark shifts the

³⁰ Evan Stark and Anne Flitcraft, *Women at Risk: Domestic Violence and Women's Health*, (Sage Publications 1996) 167

³¹ Ibid. 168

³² Ibid.170

³³ Ibid.171

focus from an individual battering scenario to a more generalised conception of social inequality.³⁴

Stark finds that more than sixty percent of the problems domestic violence victims endure had post-dated the injury from the abuser. This leads to the notion that battered women were 'psychologically normal individuals who developed a complex psychosocial profile in the context of ongoing partner assault.'³⁵ Thus, a majority of women are solely changed from their abusive encounters. This helps explain the irrational behaviour exhibited once the battered woman kills her intimate partner. He finds that there is a central paradox to battered woman's syndrome. Stark sees that the pathology of the syndrome created from the 'dependent and self-destructive behaviours among otherwise normal, assertive and even physically aggressive women.'³⁶ With this argument, he challenges the image of a battered woman. He finds the syndrome characteristics do not portray the attributes he has observed in women. There is a discrepancy from the woman's dependence to the male, to her other characteristics that present a strong personality. This is another instance where the element of coercive control permeates the existence of battered woman's syndrome label. Feelings during the domestic violence episodes can be mistaken for psychological symptoms. These intra fear, abnormal behaviours and feelings from the abuse predicament may be viewed as paranoia, depression or powerlessness.³⁷ This conception limits the scope of coercive control application. Looking only at the psychological symptoms will prevent an understanding of the root of the domestic violence which is the control.³⁸ It may not be the repeated physical violence and emotional battering that is leading to a female's

³⁴ Ibid.171

³⁵ Evan Stark and Anne Flitcraft, *Women at Risk: Domestic Violence and Women's Health*, (Sage Publications 1996) 172

³⁶ Evan Stark and Anne Flitcraft, *Women at Risk: Domestic Violence and Women's Health*, (Sage Publications 1996) 171

³⁷ Ibid.171

³⁸ Ibid.173

aggression and action that results in the death of her partner. Stark's theory promulgates that it is in fact this element of control that tightens its grip on a woman's life. Control is present throughout mental, emotional, and physical abuse. This theory alerts people to look behind the outward signs of domestic violence, but to analyse what is central between the partner relationship.

Stark contends that a focus on a PTSD diagnosis 'over-emphasises victimization.'³⁹ This pathology is disabling for women, especially in instances where women look to regain custody of children via the courts.⁴⁰ His suggestion is to utilise a non-stigmatizing classification such as 'physical abuse of an adult' in DSM IV. This author heavily relies on the social and cultural environment as failing battered women. Granted, there should be a general movement towards equality between partners, and non-discriminative programmes to assist women, but Stark fails to focus on the effects that are suffered directly from the domestic violence, and not the coercive control that runs parallel with it. If one makes a simple comparison to poking a dog with a stick constantly in a cage, the dog will turn violent and aggressive. Is it the control over the dog that produces this response or the physical torture that it suffered? It is hard not to give credit to the actual domestic violence being suffered that produces such detrimental effects in women. It seems undeniable that the coercive control is present in domestic violence situations. It is worth questioning if Stark fails abused women by so heavily equating coercive control as the element that binds the woman to the abusive relationship. While the apparent psychological symptoms are circumstantial to the abuse endured, due attention should be given to their existence without minimising them.

Gretchen Arnold makes the point that Stark's approach may 'lead to more effective practices in battered women's programs', but that 'it is likely to complicate activists' efforts to mobilize public

³⁹ Ibid.174

⁴⁰ Ibid.174

opinion, resources, and public policy to address the problem of woman abuse.’⁴¹ She makes an interesting point that his approach may be better suited to assist women but attracting public support and change may be inhibited. It is possible that Stark’s understanding of domestic violence and the element of coercive control is not ready to be fully accepted by other feminist activists. It is necessary to note Stark’s influence on legislation in Ireland and the UK on coercive control. Section 39 of the Domestic Violence Bill⁴² criminalised coercive control in Ireland, as well as Section 76 of the Serious Crime Act 2015⁴³ in the UK. Stark was influential in the drafting and enactment of the legislation in the UK and is continually presenting on this topic⁴⁴. It may be the case that critics and theorists of battered women syndrome will develop Stark’s understanding further and apply it to their own analysis.

Caroline A Forell and Donna M Matthews, writing from a legal perspective present a broader argument about battered women. They posit that communities look at women’s violence against men in a male standard of justifiable killing, which historically has equated ‘husband killing with treason.’⁴⁵ They believe use of the term ‘battered woman’s syndrome’ is not favourable for it fails to ‘adequately consider the terrible experiences and choices these women face,’ while also demoting in saying that she was acting exclusively from learned helplessness as opposed to necessity.⁴⁶ With this argument, they deduce that it is commonly accepted that abused women are killing their spouses due to their

⁴¹Gretchen Arnold, ‘A Battered Women’s Movement Perspective of Coercive Control’ (2009) Sage Publications Journal

⁴² Domestic Violence Bill 2018 (Ireland)

⁴³ Serious Crime Act 2015 (United Kingdom)

⁴⁴ Home Office, Controlling or Coercive Behaviour in an Intimate or Family Relationship Statutory Guidance Framework (2015)

⁴⁵ Caroline A Forell and Donna M Matthews, *A Law of Her Own: The Reasonable Woman as a Measure of Man* (New York University Press 200) 197

⁴⁶ Ibid. 201

psychological predicament and not because killing is the only way to avoid more harm. These two alleged distinctions are hard to separate, as they go hand in hand with each other. A woman kills her spouse to protect herself from the situation she still is involved in due to her inability to leave. These academics find that the pathology of this syndrome denies the social and political aspects of domestic violence, especially with reference to lack of community and police support.⁴⁷ Forell and Matthews write that BWS in a strict sense will only suit a narrow group of women. They argue this is true as the perceived stereotype of the woman with the syndrome must endure continued assault, be economically dependent, fearful, have low self-esteem and display passivity.⁴⁸ They find that research has asserted that women who kill their intimate partners demonstrate a 'high degree of resourcefulness and persistence in their response to their violent situations and their attempts to stay alive.'⁴⁹ This seems to be a logical conclusion, rather than a significant characterisation of battered women. There is no doubt that women who kill their partner are tactful and use their force in a well-timed fashion to protect them from an ongoing abusive situation. Forell and Matthews propose to eliminate the battered woman's syndrome, and instead, utilise the reasonable woman standard, 'by placing the woman's actions in their appropriate political and social context.'⁵⁰ Here one can discern a similarity in their work to Evan Stark's. These writers all call for change in the community response and perception of domestic violence with specific attention to the battered woman's effects from these relationships. There is no denying that domestic violence is an international concern that needs significant resources and awareness directed towards it. These authors propose that the reasonable woman standard maintains that 'women are entitled to physical safety and personal autonomy.'⁵¹

⁴⁷ Ibid. 203

⁴⁸ Ibid. 204

⁴⁹ Ibid. 206

⁵⁰ Ibid. 216

⁵¹ Ibid. 218

Their approach fails to elaborate on their opinion of why women remain in these relationships and the mental components surrounding it. Walker and Stark both elaborate on this and have more complete theories surrounding this. While a wider community response to elevate women's status in society will universally help battered women who kill, there is more to the equation than the community response.

Future Impacts

The emergence of this syndrome has helped countless women mitigate their sentence or an acquittal via expert testimony provided by experts such as Stark and Walker. Ultimately, an emphasis needs to be placed upon mechanisms that will prevent women finding themselves falling under battered woman's syndrome. Unfortunately, women who leave the domestic violence situation report to be subjected to the violence fourteen times as often than when they were living with their partner.⁵² This is a depressing statistic as the general conception is that a woman simply needs to leave her abusive partner to relinquish herself from the violence. The question lies in how society assists the woman in leaving the situation, while continually protecting her from the abuser in the duration that she is separated from him. If such mechanisms are in place, it would be interesting to see if the statistics of women killing their spouses significantly decreases.

Conclusion

The necessity to describe the phenomenon of women killing their spouses is relevant to this day. It has been almost forty year since the conception of Walker's term of Battered Woman's Syndrome. Her approach has stood strong in many aspects and she is still fervently promoting her theories. Walker's study and creation of this term has ignited much debate and critiques around women

⁵² Ruth A. Brandwein *Battered Women, Children and Welfare Reform: The Ties that Bind* (Sage Publications 1999)

who kill their intimate partners. This essay shows that academics generally disagree on the nomenclature, pathology and explanation of the syndrome, but many agree that domestic violence is a direct correlation to homicide of the female's intimate partner. My own analysis of this syndrome supports the pathology it carries, the theory of learned helplessness, while also noting the importance of understanding the coercive control present in the relationship. Domestic violence is a multi-faceted challenge in our modern society, and only a more focused community response that elevates the status of women will eliminate these in-depth discussions of women who kill due to their previous abuse. At the same time, we must be careful not to let our sympathies solely side with a female in placing her too heavily in the victim role, as opposed to a killer.

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