

Insert the following after Note 1 on Page 603:

1A. **Theories of Battering.** Dr. Lenore Walker was one of the first to develop the theory of Battered Woman Syndrome. Her two books, *The Battered Woman* (1979) and *The Battered Woman Syndrome* (1984), identified a theory of “learned helplessness” and the “cycle of violence” in which wives were willing to live with a batterer because of their perceptions of helplessness and inability to leave the relationship. She described a cycle of violence in which tension in the relationship built until there were episodes of acute abuse, followed by a honeymoon period. Dr. Walker’s theories have been challenged by further research into abuse in intimate relationships.

Contrary to Walker’s early theories, research now shows that women who experience abuse are typically active survivors who are vigorously engaged in seeking help as well as terminating and ultimately surviving violence. The validity of Walker’s theories have been fervently contested because of the lack of control groups, problems with interviewing methods and data analysis, and absence of data supporting some of her conclusions. Although Battered Woman Syndrome reflects some survivors’ experiences and may be used effectively in some criminal cases, it has been critiqued on numerous grounds. Namely, it implies that abuse survivors suffer from psychological impairment or pathology; suggests there is one set of effects of battering; promotes an image of battered women as “helpless, meek, and unreliable agents”; and discounts the experiences of those who do not fit into the model. A survivor’s apparent helplessness may instead reflect the reality of insufficient resources, such as the inadequacy of police responsiveness and protection, limited childcare options, or scarce financial and legal support. There is also high risk to one’s safety in leaving, and behaviors that could be interpreted as helplessness may actually be the result of a survivor’s common-sense evaluation of the potential for violent response.

Jane K. Stoeber, *Transforming Domestic Violence Representation*, 101 KY. L. REV. 483 (2013).

Some states have adopted statutes authorizing a court to admit expert evidence about the impact of battering on the defendant offering self-defense to a charge. For example, a Missouri statute adopted in 1988 provides, “Evidence that the actor was suffering from the battered spouse syndrome shall be admissible upon the issue of whether the actor lawfully acted in self-defense or defense of another.” MO. ANN. STAT. § 563.033. One problem is that the Missouri Court of Appeals held that the legislature intended to adopt Dr. Walker’s theory of the syndrome, so that evidence that does not track her theory can be excluded from trial. See *State v. Worrall*, 220 S.W.3d 346, 350 (Mo. Ct. App. 2007). Should the legislature adopt a single scientific theory for establishing a defense, especially one that is open to significant criticism? Wyoming took a more flexible approach in its statute, defining “battered woman syndrome . . . as a subset under the diagnosis of Post-Traumatic Stress Disorder established in the Diagnostic and Statistical Manual of Mental Disorders III--Revised of the American Psychiatric Association.” WYO. STAT. ANN. § 6-1-203.