OPINION & COMMENTARY

O.J. trial a chance to explain battered-women's syndrome

Walker for the defense is defensible

By JENNIFER J. FREYD

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In late January the news shocked professionals in the field of domestic violence: Lenore Walker, a pioneer in bringing battered-women's syndrome to the world's attention, had agreed to testify in the O.J. Simpson trial — for the *defense.*

Many feminists, front-line workers at battered women's shelters and advocates for victims are stunned. Why would Walker apparently betray battered women? Will her testimony destroy 20 years of hard-won advances in awareness of domestic violence?

I am passionately committed to the goal of bringing an end to family violence. I understand my colleagues' concerns. Yet I see a powerful opportunity in this situation — an opportunity that Walker, with her expertise, credibility and experience, has created by her decision. Perhaps now the truth about victims and batterers — including a scrupulous adherence to clarifying the limits of current knowledge — will be accurately presented to a wide audience.

The truth about the limits of knowledge has often been obscured. Expert witnesses for the defense, sometimes in a destructive collusion with the media, have misrepresented research, helping set violent offenders free while promoting a cultural mythology that assumes false accusations of domestic violence and abuse are likely.

Even a subtle exaggeration of current knowledge is a betrayal of science and justice. And as a strategy it ultimately backfires. When experts on victims have testified for the prosecution, and convictions were granted, later appeals have overturned the convictions on the grounds that the prosecution and expert testimony had been one-sided, exaggerated or illogical. Once there is a reversal upon appeal, future convictions are jeopardized.

Drs. Walker and Geraldine Stahly (who will also testify for the Simpson defense) issued a statement about their decision to testify. They wrote, in part: "(W)e realized that the potential for long-term harm to battered women was present if the facts, patterns and significance of the battering in this case were misinterpreted, distorted or otherwise misused by either side."

This observation about the long-term potential for harm resonates powerfully with my own analysis of an actual pattern of distortion of expert knowledge in the courtroom and popular culture, and subsequent harm to child victims of sexual abuse.

The history of litigation of child sexual abuse offers a cautionary tale. Valid expert testimony on the natural history of sexual-abuse discovery (a pattern of hesitation, disclosure and subsequent retraction) has become virtually unmentionable in the courtroom. The truth has been distorted, then ridiculed and now can no longer be stated.

The exaggerated claims in the courtroom and elsewhere provide powerful ammunition for an often-unscrupulous backlash to child protection; valid psychological theories are stretched too far, and then swoop! the whole enterprise becomes consumed by responding to *reductio ad absurdum.*

The current conceptual disarray was made especially clear in an editorial in the Oct. 3 issue of The New Yorker. Lawrence Wright complained: "A psychiatrist named Roland Summit explained to the jury that when children deny that sexual abuses happened the denial can be evidence that the abuses actually did occur. The name he gave to this Catch-22 logic was the Child Sexual Abuse Accommodation Syndrome."

Wright's statement in The New Yorker was wrong. The accommodation syndrome, originally published in 1983, offers clinical observation. It simply explains that sexually abused children sometimes hesitate to disclose the abuse, and even retract disclosures.

In an unpublished letter to The New Yorker, Summit explained: "The Child Sexual Abuse Accommodation Syndrome makes no claim to provide evidence of children's truth. And it would be fatuous to argue that denial is really confirmation in disguise."

I agree with Summit's additional observation: "The more the (syndrome) can be trivialized and demeaned, and the more its author can be discredited, the greater is the impact of iconoclastic propaganda. And the goals of that effort are not justice nor fairness nor progress; they are instead to turn back the clock to a more blissful ignorance, when complaints of abuse were less cause for concern."

I am afraid that research on domestic violence could suffer a fate similar to the Child Sexual Abuse Accommodation Syndrome. The national climate and the degree of interest in the Simpson case could set the stage for terrible damage to Battered Women Syndrome and to those who work in the field of domestic violence.

Yet Lenore Walker, as a defense witness, has the opportunity to help our society avoid this devastating possibility by exercising caution and telling the truth.

In a better world, perhaps, expert testimony would not be presented on a "defense" or "prosecution" basis, but would be entirely for the education of the judge and jury. Psychologists would explain what is known about, for instance, victims and perpetrators, and how the judge and jury can use that knowledge to understand the events as they are presented. Experts would bring clarity to what can and cannot be inferred from patterns of correlation.

There is much about the O.J. Simpson case and the planned testimony that is currently unclear and worrisome. The potential for good that resides in this situation is in the long-term power of truth telling. The truth that needs to be told fundamentally involves clarity about the limits of current knowledge and the constraints of valid inference.

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