

# COERCIVE CONTROL: The Context, the Construct and Law



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# Challenges

- ▣ Background of New Legislation
- ▣ The Domestic Violence Revolution had stalled
- ▣ **Describe Core Elements of Coercive Control**
- ▣ **Underlying Principles**

# THE COERCIVE CONTROL CONTEXT

- ▣ PUBLIC ACCOUNTABILITY
- ▣ COMMITMENT OF PROSECUTION
  - ▣ (Chief Procurator Fiscal)
- ▣ WIND OF THE WOMEN'S MOVEMENT
- ▣ CENTRALIZED POLICE LEADERSHIP
  - ▣ (Police Scotland +

# TOWARDS A NEW PARADIGM OF ABUSE



# HOME OFFICE DEFINITION: DOMESTIC VIOLENCE & COERCIVE CONTROL

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse....regardless of gender or sexuality. This encompasses ...the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

# DOMESTIC VIOLENCE & COERCIVE CONTROL

## COERCIVE BEHAVIOR

An act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.”\*  
(Home Office, 2014.)

## CONTROLLING BEHAVIOR

A range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

# Before?

- ▣ Nigel Wolitter, 30 year old Nottinghamshire man
- ▣ poured paint on machinery belong to partner' family
- ▣ Motive: To punish his partner for refusing to give him money for marijuana

- 13 year relationship

# And now?

## Coercion

Cell phone photos of injuries over last two years

## Control

“controlled every aspect of my life from where I went to what I wore, to what possessions he allowed me to own. I wasn’t a person, but an object to him.”

## Sentence

4.5 years

Plus 2 counts of common assault and property damage



What's Happening in Knowsley?



SALLY CHALLEN



# Bill Walker, MSP

- ▣ Convicted of 23 assaults + breach of peace against three women and a minor over 30 years
- ▣ Sheriff found he was “controlling, domineering, demeaning....” but “however unacceptable, it did not amount to a criminal offense.”
- ▣ Summary judgment (maximum 12 mos.) because violence in each incident not serious enough for a solemn proceeding (jury trial).

Judge Katherine  
Mackie sentences MP  
Bill Walker to 14 years  
in Scotland 2013

the large gap separating Walker's "cruel,  
terroristic and immoral behavior" towards his  
wives and children and what Scottish law  
defined as the crime of partner abuse.

THERE OUGHT TO BE A LAW

# NEW SCOTTISH OFFENSE

Causes physical/ psychological harm either through intention or “recklessness”

Defines Abuse as making person dependent on, or subordinate by isolating B from friends, relatives or other sources of support, controlling, regulating or monitoring B’s day-to-day activities, depriving B of, or restricting B’s, freedom of action, or frightening, humiliating, degrading or punishing B.

Uses Reasonable person standard– so doesn’t actually have to cause these effects

Covers children, separated partners and ‘others.’

Punishment: 12 months to 15 years on indictment + fine.

# THE DOMESTIC VIOLENCE REVOLUTION

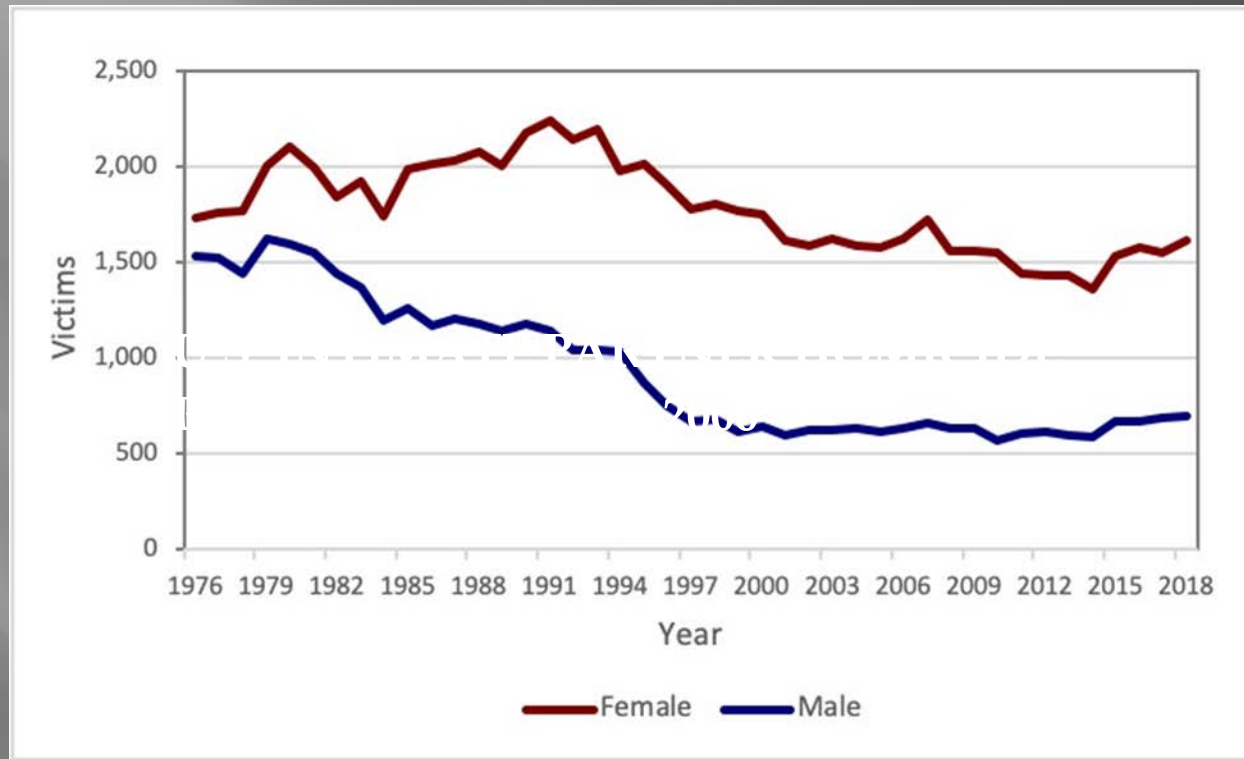
THE DOMESTIC VIOLENCE  
REVOLUTION IS STALLED

# Coercive Control Preconditions

- ▣ Nothing worked
- ▣ “Violence wasn’t the worst part”
- ▣ Stalking, Sexual Violence, Estranged Homicides, Femicides, Gas-lighting Outside the framework
- ▣ Highly publicized cases (Pelke and Challen)
- ▣ Grassroots + Tory Government    Commitment + Public Sector Leadership
- ▣ The New Model of Coercive Control



## US Intimate Partner Homicide Rate Decline, 1976-2018



# When Abuse is Viewed through the Violent Incident Framework:

- No one goes to jail
- No injury, no crime
- Other forms of abuse are invisible
- Victim fears appear exaggerated
- Victims themselves minimize abuse

# DV Attrition

(Hester 2006; Hester et al 2008)

	<b>Reports to police</b>	<b>arrests</b>	<b>charges</b>	<b>convictions</b>
2001/2002 Three areas In NE England	869	222  25.5% of incidents	60  14% of incidents	31  3.6% of incidents

**Terri (46) and Mike (62)  
Greene (murdered 22/9/11).  
E. Lansing, MI.**

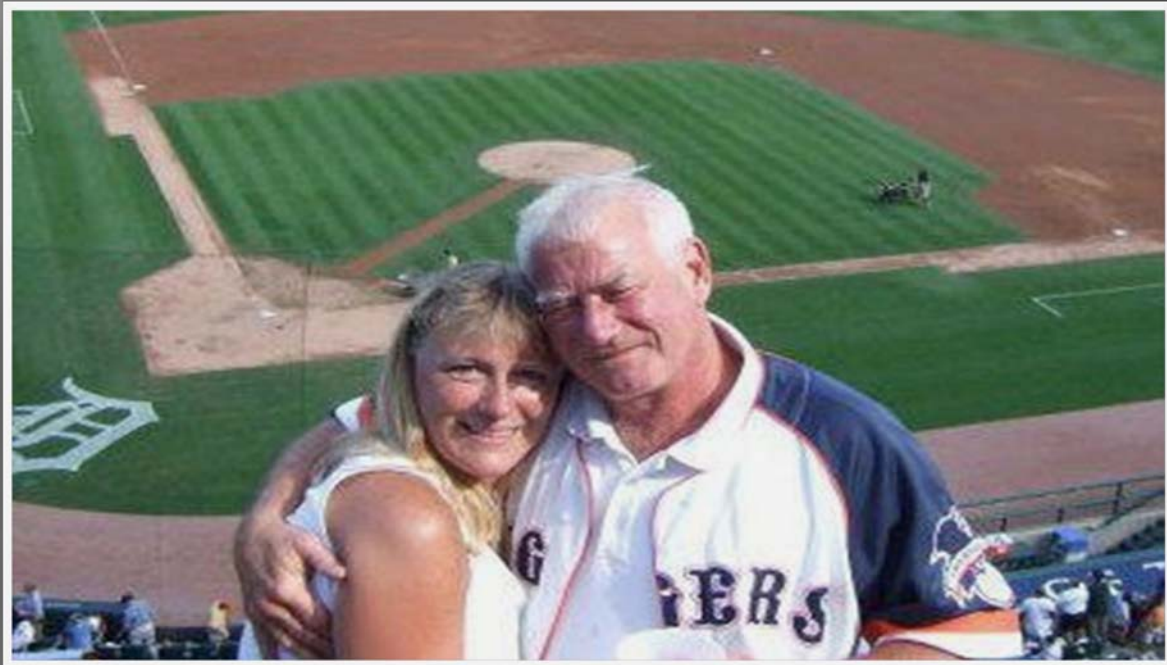
'KILLER IS 'NARCISSISTIC SOCIOPATH  
WITH NO KNOWN HX OF VIOLENCE.'

'SISTER IDENTIFIED 132 INDEPENDENT  
DV EVENTS OVER 25 YRS IN MI.

MULTIPLE DV, STALKING, SEXUAL  
ABUSE, THREATS TO KILL, CHILD  
ABUSE, ETC...

"WHAT DID THAT HAVE TO DO WITH  
THE 'REAL VIOLENCE' OF THE  
MURDER?"

WTINESS-SURVIVORS' ARE CO-VICTIMS



# Partner Abuse Crosses Social Space

- ▣ National/Medical Data
  - 75-80% of victims are single, separated or divorced (NVCS; Stark et al. etc.)
- ▣ Mass.
  - In a majority of DV arrests, men not living with victim
- ▣ NYC ACS:
  - 31.5% of victims living in the same household (Magen, et al.)

Not only do men readily disconnect their violent acts from one another in time and space; they also use this process of disconnection to minimize their violence as ‘not that bad’ and to support victim-blaming accounts of the larger sources of problems in their lives.

## How men use the violence definition

- ▣ Kelly, L. & Westmarland, N. (2016). Narrowing and defining ‘Domestic Violence’ lessons from research with violent men. Feminist Review 112(1): 113-127. \*

Abuse and Sexual Coercion are TRIVIALIZED &  
NORMALIZED

When viewed through a violence lens  
Frustration, Victim-blaming, Revolving  
Door and Withdrawal on the Front  
Lines

# TYPOLOGY OF ABUSE

- ▣ PARTNER ASSAULT
- ▣ COERCIVE CONTROL



# Partner Assault

- ▣ 30% of women's help-seeking
- ▣ Motive: to hurt or control
- ▣ Repeated, but “episodic”
- ▣ Women initiate as well as men
- ▣ Women more likely to be injured & seek help
- ▣ “Sometimes you have to take a beating”

# COERCIVE CONTROL

- ▣ Coercive control is a strategic course of conduct designed to impose sexual inequalities in personal life by dominating, exploiting and degrading a partner and depriving her of basic rights and resources.

□ **Assault/Sexual Assault**

□ **Intimidation**

## **Coercive Control**

□ **Isolation**

□ **Control**

# ASSAULT

- Isolated/Severe
- Repeated, minor routine
- Little or no “conflict”
- May not exist
- Aim is to Subjugate

*Sally Challen*

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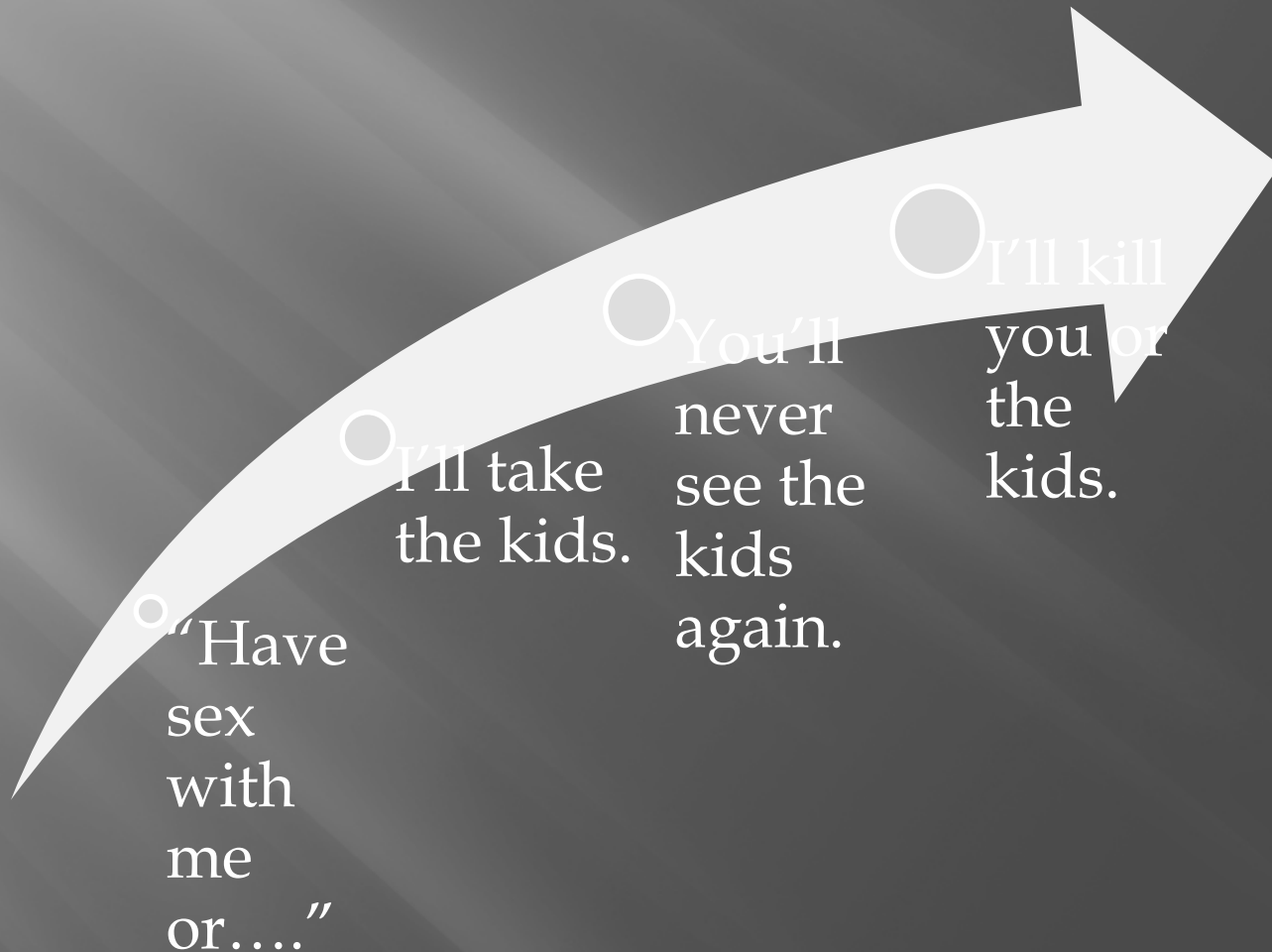
# What is sexual coercion?

- ▣ Forcing someone to engage in sexual behavior against their will.
- ▣ Wide range of behaviors.
- ▣ Touchstone = lack of choice not to engage without severe consequences.

# How often does it occur?

- ▣ **34% reported sexual coercion by spouse/partner.**
  - Basile (2002).
- ▣ **40% to 50% of abused women reported rape.**
  - Bergen, R.K. (1996) – 20% of whom were raped post-divorce/separation
  - Campbell & Soeken (1999).
- ▣ **68% of women seeking protection orders reported rape.**
  - McFarlane, Malecha, Watson, Gist, Batten, Hall, & Smith (2005).
- ▣ **86% of women reporting forced sex left/tried to leave.**
  - Block & DeKeseredy (2007) – having children together is a risk factor for post-separation sexual assault.

# Consider Coerced Sex





# Rape as Routine

- ▣ He told me he wanted to fool around and I told him no. He kept persisting and taking off my clothes and I kept fighting him off. He took his belt and tied my hands behind my back and he had fun. I never wanted him to do that again like that so I never said 'no.
- ▣ *Dila, age 26*

# INTIMIDATION

- ▣ **STALKING**

- ▣ **Use of the Children**

- ▣ **Surveillance**

- ▣ **Use of legal system**

- ▣ **Witness intimidation –recantation**

- ▣ **INVISIBLE THREATS**

# Technology & Stalking

- ▣ . Used to establish Omnipotence
- ▣ Isolate, humiliate Punish
- ▣ Share Sexualized Content
- ▣ Spatiality (Spacelessness yet
- ▣ Geographically situated regional, rural and remote locations
- ▣ Low-level (Fly below Radar)\*\*
- ▣ Home invasion (Theft of personal property)
- ▣ Phone Aps Stalkware
- ▣ Use to Ameliorate Abuse
  - Networks with co-workers
  - Virtual shelter/safe space
  - Girl Guides Merit Badge in CC
  - Technology used to track

# DEGRADATION

- ▣ Ritual enactments associated with sex, bodily functions or obedience
- ▣ TARGET AREAS OF GENDER IDENTITY FROM WHICH PARTNERS GET THEIR SELF-RESPECT, ESTEEM AND POWER
- ▣ Link to Ownership
- ▣ The Degradation Prohibition

# ISOLATION

- ▣ **Family and friends**
- ▣ School, work, church
- ▣ Communication/Transportation
- ▣ Helping Professionals
- ▣ Private Life
- ▣ Isolation *at* as well a *from* work, gym, family, shopping, school, etc.

# Control

basic necessities

- ▣ money
- ▣ sexuality
- ▣ Time

Routines of  
everyday life(e.g.,  
cooking, cleaning)

- ▣ children
- ▣ Trivia (Netflix,  
Facebook etc.)
- ▣ Not who  
decides, but  
who decides  
who decides  
what

what to cook

no friends

when to sleep

no personal money

what to wear

no transportation

when to have sex

no contraceptives

# CONTROL

## Harms to equality/autonomy/freedom & dignity

- ▣ EXPLOITATION (takes what is hers; treated as servant)
- ▣ DEPRIVATION (woman as dependent); exchanges necessities for compliance

REGULATION – “Arbitrary Deprivations of Liberty.”  
(woman as captive)

DEGRADATION – The ‘Honor’ of Women

HOW HE STAYS



# Control Prevalence US/GB

- ▣ Took her Money (.54)
- ▣ Monitored Time (.85) (.66)
- ▣ Kept from Medical Care (.29) (.22)
- ▣ Did Not Allow to Go to School (.62) (.52)
- ▣ No Socializing with Friends (.79) (.71)
- ▣ Kept from Seeing Family (.60) (.50)
- ▣ Restricted Car Use (.54) (.31)
- ▣ Can't Leave House (.62) (.47)
- ▣ Threatened to Take Children (.44) (.40)
- ▣ Did Not Allow to Work (.34) (.40)
- ▣ Tried to Make Crazy (.89) (.75)

Sources: Tolman, 1989; Rees, Agnew-Davies & Barkham, 2006; Buzawa et al. 1999

# Particularity of Coercive Control

- ▣ Ongoing
- ▣ Personal
- ▣ extends through social space
- ▣ Micro-management- sex stereotypes
- ▣ Gendered — no parallel among men.

# SAFETY ZONES

SEARCH & DESTROY  
MISSIONS

# Coercive Control “crosses social space”

Separation changes the nature of the abuse; it does not end it.

# Controlling behaviors charged under s. 76

- ▣ Access to/use of money, phone, FACEbook or other social media
- ▣ Enforced Diet
- ▣ Prohibited contact with friends, family and health services
- ▣ Monitoring and/or constraining movements ('never letting her go out alone')
- ▣ Continual belittlement
- ▣ Regulating what she wore, sleep, hairstyle & makeup
- ▣ Harming or threatening children
- ▣ Continual jealous accusations

# COERCIVE CONTROL

- ▣ Making 'staying' and 'obeying' (rather than 'refusing,' 'resisting' or 'escaping') appear the safest and/or the only viable option.
- ▣ What makes a 'battered woman' is her constructed inability to refuse, resist or escape demands that compromise her integrity and offend her nature.

- ▣ Coercive control is typically rational, instrumental behavior designed to secure and extend privileges in personal life.
- ▣ Secures power and privilege by targeting default roles women inherit because of their devalued status as sexual partners, wives, housekeepers and mothers

# Why does abuser do this?

- ▣ Enjoy privileges and power
  - ▣ Exploitation works
  - ▣ “Doing Masculinity”
  - ▣ EVIL, MEAN.....
- 
- ▣ .....BECAUSE HE CAN



“RIGHTLESSNESS”

“Grievable Lives”

THE DANCE OF JUSTICE

# Invisible in Plain Sight

- ▣ There is nothing like it in men's experience
- ▣ Liberties violated are taken for granted
- ▣ Corresponds with women's default roles
- ▣ No words to describe it
- ▣ Few images in the media
- ▣ Victims may not associate with abuse
- ▣ Built around personal knowledge and invention
- ▣ Some acts criminal, others only as part of conspiracy/pattern

Perpetrators'/fathers' coercive control prevented children from spending time with mothers and grandparents, visiting other children's houses, and engaging in extra-curricular activities. These non-violent behaviours from perpetrators/fathers placed children in isolated, disempowering and constrained worlds which could hamper children's resilience and development and contribute to emotional/behavioural problems. E. Katz (2016)

Beyond the Physical Incident Model: How Children Living with Domestic Violence are Harmed by and Resist Regimes of Coercive Control', Child Abuse Review, vol. 25, no. 1, pp. 46-59.

# The Spectrum of Coercive Control

- ▣ Similar strategies used to undermine mother-child relationships by perpetrators of both child sex abuse and DV
- ▣ Grooming and alienating strategies
  - Coercive and controlling (Jennie)



the italian woman

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NEW STORIES OF ABUSE

RIGHTS BASED CLAIMS  
RATHER THAN HARMS  
BASED

WHAT DOES IT MEAN TO  
INCLUDE WOMEN'S  
EXPERIENCE AS THE TEST  
OF LAW?

WHAT DOES IT MEANS TO  
GRIEVE WOMEN'S  
SUFFERING IN THE SAME  
WAY WE GRIEVE THE  
SUFFERING OF OTHERS?

# From injury to **ENTRAPMENT**

## ▣ HARMS TO:

- ▣ PHYSICAL SAFETY (chronic fear)
- ▣ MATERIAL SECURITY (dependence)
- ▣ SOCIAL /FAMILY/POLITICAL LIFE (isolation)
- ▣ DIGNITY (shame)
- ▣ AUTONOMY (loss of independent decisionmaking)
- ▣ LIBERTY (subjugation)

COERCIVE CONTROL IS NOT ONLY  
ABOUT WHAT MEN DO TO WOMEN &  
CHILDREN BUT ABOUT WHAT THEY KEEP  
WOMEN & CHILDREN FROM DOING FOR  
THEMSELVES, THEIR FAMILIES, THEIR  
SCHOOLS, COMMUNITY AND THEIR  
NATION.

# Assessment in the Context of Human & Liberty Rights

- ▣ Violence = Right to Security
- ▣ Intimidation and Degradation = Right to Dignity & Live Without Fear
- ▣ Isolation = Right to association & support
- ▣ Control = Right to Autonomy/Independence
- ▣ How do you claim rights for children who have none?



# “RIGHTLESSNESS”

“Grievable Lives”

“Life, liberty & and the pursuit of happiness.”

# R v Chase

**woman** had survived 16 years of horrific physical abuse. She said:

- ▣ ‘I am going to stop sleeping with a knife under my pillow out of fear. I am going to get my self-esteem and confidence back. I will wear my hair down whenever I want to. I will wear tights every day. I am going to be late when I want to be. I am going to work wherever I want to work. I will talk to whoever I please and make all the friends in the world. I am going to love my family unconditionally. I am going to play sport.’

# CHALLENGES

- ▣ UNFAMILIAR MODEL- LOW ARREST RATES
- ▣ RIGHTS VS. HARMS-BASED CONVERSATIONS
- ▣ INCONSISTENCY ON THE FAMILY SIDE
- ▣ WHAT TO DO ABOUT 'CHILD ABUSE?'
- ▣ INNOVATION AVERSE SYSTEMS
- ▣ INCIDENT DISAPPEARS BEHIND PATTERN