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COERCIVE CONTROL – REBOOTING THE DOMESTIC VIOLENCE REVOLUTION

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The author would like to acknowledge that the ideas within this speech are derived from conversations with a range of people who have shaped and influenced her thinking. Obviously this includes Prof Evan Stark and the late Ellen Pence who started this work but amongst others also includes Prof Liz Kelly, Emma Katz, Eleri Butler, Andy Myhill and Jo Todd along with the hundreds of survivors who have shared their stories. Apologies to anyone I missed!

One of the reasons we are here today is to mark the signing into law of the concept of coercive control which is indeed a great victory for the many campaigners here in Ireland. And why do I say that? You might have noticed that I have entitled my talk – rebooting the domestic violence revolution because in recent years our efforts seem to have stalled. Despite growing awareness over the past 50 years across the globe, despite an international network of refuges and other support services, despite new laws to criminalise what was once framed as ‘a woman’s lot’ and even justified within most major religions (although there’s a fair bit of revisionism going on now!) the prevalence rate of the number of victims in a population has barely shifted. We have had some impact on dangerousness – in many countries the domestic homicide rate is falling – and it is true that across Europe – on average – the length of time a woman lives with abuse is shortening. And yet at the same time, approximately 1 in 4 woman can expect to experience domestic abuse in her lifetime.

I believe that seizing the opportunity that coercive control offers could very well be the key to rebooting this critical lifesaving and life enhancing revolution.

I say that because it is the most woman-centric development in domestic abuse legislation which as most of you will be aware has only been developing over the past 50 years or so around the world with still a long way to go in many countries (yes I am looking at you Russia who have managed to actually go backwards by abolishing hard-won domestic abuse legislation)

Now of course as women started to push for changes in the law, it was a constant uphill struggle. Not just because of the issues faced by any campaigners trying to change the law

but because women were faced with an entire legal system that had been constructed without their input and without their perspectives being taken into account.

I'll give you just one example from my own experience – and you'll be relieved to know it's a pretty old one now – but in the early 1990's in the UK a woman called Sara Thornton was sentenced to life imprisonment for killing her abusive partner. He was an ex police officer and she had called his ex-colleagues several times but no action was ever taken. In fact on one occasion he punched her in their presence – so hard that her feet left the floor – but still they did nothing. One night, her husband came home very drunk and behaving aggressively towards her. Terrified she barricaded herself in the kitchen and waited until silence fell. She hoped he had fallen asleep on the sofa, but taking no chances, she armed herself with a knife and quietly opened the door. Needless to say he was waiting for her, she stabbed him and he died despite her calling an ambulance immediately.

Now at the trial the judge ruled that she could not enter a defence of self-defence because her response was disproportionate – he was 'only' using his fists whereas she had a weapon. Another potential defence was put forward of provocation – which was also over-ruled for the frankly jaw dropping reason that the threat was not immediate – apparently the time during which she was barricaded in the kitchen, she should have 'calmed down' (you can sense the unspoken 'dear' there can't you?!) and (I'm not kidding – the judge did actually say this) the criteria which he was using was set in case law and the time from the provocative act of him being physically violent to her to her response should have taken no longer than it would take the average man to run 200 yards and fetch a sword.

This is just one example of how historically the law has been developed by men, for men. And most laws pertaining to violence have taken a very male-centric viewpoint – even designed around their own experiences of mostly public violence into which women's experiences of violence – overwhelmingly experienced in private at the hands of men they know, has struggled to fit.

So the criminalising of coercive control – albeit expressed in gender neutral terms – is actually criminalising something that is overwhelmingly experienced by women. Indeed when men experience domestic abuse it is far more likely to be what Johnson's typology has classified as situational couple violence rather than the intimate terrorism which women experience. And the reason that coercive control is experienced overwhelmingly by women is because by its very nature, it draws upon women's subordinate position within wider society.

So what do we actually mean by coercive control? Well my favourite Reader's Digest definition is that it describes behaviours by the abuser to make the victim's world smaller –

both literally and metaphorically. It then follows that our interventions must make the victim's world bigger again – what Dr Liz Kelly has called 'space for action'.

In coercive control, abusers deploy a broad range of non-consensual, non-reciprocal tactics over an extended period to subjugate or dominate a partner, rather than merely to hurt them physically. Compliance is achieved by making victims afraid and denying basic rights, resources and liberties without which they are unable to effectively refuse, resist or escape.

Paralleling the recognition of coercive control as a criminal pattern of behaviour is the growing consensus among scholars in the field that partner abuse is not a psychological condition or a diagnosis but a widespread behavioural strategy that contains predictable elements, follows typical patterns, is deployed to garner typical rewards, and has predictable consequences – a theme I'll return to later. The most widely recognized consequences are mounting fear, dependence, and a level of constraint on a victim's choices and behaviour that can be hostage-like.

Compliance with coercive control is underpinned by what Evan Stark calls the 'or else' proviso and is therefore fear-based, but not always violence-based. In 20-25% of coercive control cases, subordination/dependence is achieved with little or no violence, or long after violence has ended⁶. Fear of violence is often long-standing and often reflects non-violent as well as violent forms of coercion, intimidation/degradation and control.

The major elements of coercive control include physical and/or sexual violence/coercion; threats, stalking and other forms of intimidation; isolation; degradation and control. The most commonly cited forms of 'control' are 'exploitation' (treating a partner like a servant); 'deprivation' (depriving a partner of money, food, transport or other basic resources) and 'regulation' (micro-managing how they spend their time, dress, clean, shop or care for children according to gender role stereotypes.) Danger to the particular victim(s) is continuous and the extent of fear builds over time to reflect all the elements of coercion and control that are present, not only her immediate circumstances.

Some coercive control tactics are criminal acts when considered separately. Some, like surveillance or taking someone's money, are illegal when committed against strangers but not always illegal when committed against partners. But many of the tactics used in coercive control could seem relatively harmless if considered separately and only take their legal significance from their role in the overall pattern designed to subordinate a victim.⁷ Other

behaviours designed to make a partner feel 'crazy', for instance hiding a cell phone, moving a car from a regular parking spot or other examples of 'gas lighting', seem merely cruel or perverse. But taken together, with the more overtly criminal behaviours, they create an experience of entrapment that is hostage-like. Victims are repeatedly demeaned or made to feel crazy in a context where they are too fearful or dependent to respond in kind, come to doubt their self-worth and may be overcome by self-loathing. The rights and liberties which are denied in a situation of coercive control include the rights to dignity, personhood, and autonomy.

Psychiatric or physical illness or behavioural problems such as alcohol abuse play a role in motivating some abusers to use coercive control. But the vast majority of cases involve a planned course of conduct implemented over-time and which is designed to exact and support personal gain and privilege by dominating and exploiting an intimate partner. This is best illustrated by the duration and complexity of coercive control and the extent to which abusers design tactics that target the specific strengths and weaknesses of their partner.

Unsurprisingly, being subjected to coercive control increases women's risk of a range of medical, behavioural and psychological problems, including depression, attempted suicide, PTSD and alcohol abuse. Women who have experienced childhood trauma are particularly vulnerable to the negative behavioural and psychological outcomes of coercive control.

The primary outcome of partner abuse is a condition of subjugation and loss of autonomy that is experienced through a mounting sense of being trapped with no way out; the experience of *entrapment*. The victim is caught by a combination of fraud and deceit (often disguised as love) and literal constraint. Although the feeling of being trapped is a psychological state, it is not 'all in their head' but a reflection of their reality of literal containment achieved through financial deprivation or restrictions on travel or social relationships as well as genuine fear due to actual or threatened physical and sexual abuse and other forms of intimidation and degradation.

Abusers also often 'demonstrate omnipotence' by claiming to know their partner's thoughts or whereabouts and exercising control both by order and implication over minutiae of daily living. In the mind of the victim, the abusive partner becomes 'larger than life' both figuratively, in that he seems to have more power over her than anyone she knows, and literally, in that he seems to be 'indestructible.' This is often unwittingly reinforced by agencies – sometimes by taking no action so it appears as if nothing or no-one can stop him, and sometimes by putting

pressure on her to leave – the unspoken message being that he is too powerful for us to take action against him – we can only make you change.

The old model of viewing domestic abuse as largely about physical violence has outlived its usefulness. Even as we added in other forms of abuse – it is still true that in most instances, physical violence was seen as the ‘real’ abuse – think for example how many times you have seen leaflets urging women to be aware of the ‘warning signs’ which on closer examination turn out to be descriptions not of warning signs but actual abuse – just not physical abuse. Or the number of times you have seen professional case files with ‘Just a verbal. No further action’ So even though in theory the definition of domestic abuse has included more than just physical violence for some time, in practice, it has not proven to be so.

Which is where coercive control comes in turning everything on its head. It is nothing less than a paradigm shift. It is not – as many seem to think – just one more form of psychological or emotional abuse – it is the very essence of domestic abuse. It truly encapsulates women’s experience of abuse – of being trapped by an abuser who uses tactics which the state has handed to him because of the historical – and some might even argue current – second class status of women. In particular, the tactics of humiliation and degradation tend to be enacted by abusers targeting areas of gender identity from which their victims get their self-respect or self-esteem. It is no accident that almost all abusers sing from the same song sheet – you’re useless, you’re ugly, no-one else would want you, you’re a terrible cook, a terrible mother – for these are areas of gender identity – sexual attractiveness, a good homemaker, a wonderful mother - that women are indoctrinated from birth that they must make a success of if they want to be valued. Indeed the script that abusers use is so predictable that in the early years of working in this field I had paranoid fantasies about the existence of an Abuser’s manual that they were all secretly sharing with one another before it dawned on me that there was indeed an abuser’s manual but it was a secret – in fact it was mainstream culture.

Coercive control is not just psychological abuse – it is entrapment and the denial of freedom. This means we have to move away from a focus on injury as our model of calculating harm and towards a focus on freedom. And that too moves us into thinking differently about domestic abuse and what an effective intervention looks like – it is not – as has been the tendency in recent years – enough to focus on safety *from* – which is how I would characterise things like risk assessments, MARACs and the like – but the freedom *to* – which is equally important. Without this dual focus which is what a coercive control lens requires, we end up ‘rescuing’ women from physically dangerous situations but without

equipping them with the resources and skills they need to rebuild their lives and expand their 'space for action'.

So enough of the theory – how has it all been playing out in England and Wales where coercive control has now been criminalised for 2.5 years?

As with most new laws, it has taken time to be implemented and I think it is fair to say that the process is still on-going.

By the start of this year – two years after coercive control became law, the latest official figures showed that only eight out of 43 police forces across England and Wales had rolled out a new national training programme on coercive control with concrete plans for rolling it out in another two. This lack of training is reflected in the low number of prosecutions involving the new offences.

A recent freedom of information request by the Bureau for Investigative Journalism revealed that 532 charges have been brought under the new laws in the 29 police force areas that responded to the request. Six police forces have brought five charges or fewer. The Office for National Statistics says police forces recorded only 4,246 cases of coercive or controlling behaviour between March 2016 and March 2017. This is against a backdrop in which it is officially estimated that 1.2 million women and 713,000 men have suffered some form of domestic violence in England and Wales in the past year.

Perhaps more chillingly, a recent University of Gloucestershire report found that coercive and controlling behaviour was an element in 92% of 358 domestic murders they had studied.

The small number of early successful prosecutions for coercive control is of course disappointing – if the sole measure of 'success' is convictions. But I would argue that we should be thinking of other criteria too. If it makes women aware at an earlier stage, if it changes the conversations about domestic abuse in the wider culture (what a relief it would be for example to never again have to answer that question – second only to what about the men – of why doesn't she just leave??!) – if these changes occurred as a consequence of this new law then I would count that too as a success.

I know that if I gathered together a random group of women and asked them what behaviour is unacceptable in a relationship then it would be extremely unlikely that there wouldn't be unanimous agreement that physical violence was not acceptable. But as soon as you move into other non-physical forms of abuse, the unanimous stance starts to crumble. This then

makes physical violence the 'deal breaker' which is far too high a bar. That should be the baseline – we can surely do better than that? So we shouldn't underestimate the impact that criminalising this behaviour can have in women feeling confident to both name it as abusive and to declare it unacceptable.

We were aided greatly in England and Wales by the Archers, a hugely popular radio soap, which made "gas lighting" and other elements of coercive control of Helen Titchener by her husband Rob a long-running theme – over a year in fact. Unable to withstand his relentless tormenting, Helen eventually 'snapped' and stabbed her husband. She was arrested and charged. The story made the front pages of the tabloids and a fundraising page put up in Helen's name raised nearly two hundred thousand pounds. When Helen was tried and acquitted because of the history of Rob's abuse by a jury, prominent jurists, government officials and media figures, even the Prime Minister's Office offered a supportive statement. Section 76 – the clause that made coercive control a criminal offence in England and Wales - was used to illustrate the sort of legal protection that might have prevented the stabbing.

That is not to say that criminalising coercive control should only be seen in the context of changing the conversation – of course we want prosecutions too. So how might we go about that?

There can be no doubt that coercive control has the potential to change the way that criminal justice agencies deal with intimate partner abuse for the better. For example, a focus on coercive control could assist police to make more informed decisions about risk, helping them to keep victims safe. An understanding of the impact of coercive control on its victims could also help police safeguarding teams better understand the challenges that survivors face as they try to engage with the criminal justice process. Further down the line, it allows the critical notion of coercion into the courtroom and thus encourages survivors to reframe their stories of abuse in a way that more accurately portrays both the wrong of the abuse and the harms that they have experienced as a result. This could, in turn, allow for less attrition in the form of more successful prosecutions, and more appropriate sentencing in intimate partner abuse cases.

None of this will happen unless the police are empowered to be proactive about enforcing the new offence. It is important to understand the challenges that this poses - historically the police have responded to intimate partner abuse within the 'violence' framework that I mentioned earlier. This violence model targets discrete assaults, and rests on an assumption that 'the severity of abuse can be gauged by applying a calculus of physical harms to these incidents' In other words, the standard police response is one of 'we turn up, we deal with violence, we assess the level of injury and we move on.' Above all, police officers are problem fixers.

Unfortunately, as any police officer who works in domestic violence will tell you, this violence model 'bears little re-semblance to the forms of oppression that drive most abused women to require outside assistance' (Stark 2012, p.201). If Ireland is anything like England and Wales, I'd be willing to bet that at least half of all police call outs to domestic violence end up being recorded as no crime having been committed. This mismatch, between the violent incident model and the reality it confronts, creates long-term problems for the intersection between criminal justice and intimate partner abuse. Stark points out that the violent incidence model *trivialises* abuse because the kinds of ongoing low-level violence experienced by a high proportion of abused women are dismissed as 'minor' when viewed through an incident specific lens of the violence model.

Perhaps the most significant negative consequence of the trivialisation of abuse in this way is the impact on the risk assessment process that police utilise to try to keep the most vulnerable victims safe. Domestic violence homicides that have involved victims previously known to the police are almost always initially assessed as low risk because the focus is on the wrong thing – physical violence and not control.

Another long-term difficulty exacerbated by the violent incident model is that it leads to 'the assumption that victims . . . exercise decision-making autonomy "between" episodes' (Stark 2012, p.200). This means that victims who fail to capitalise on that (assumed) autonomy are perceived as responsible, at least in part, for the ongoing abuse that they experience. But if we understand that domestic abuse is NOT a series of discrete events', this idea of her having the ability to make autonomous decisions between episodes simply falls apart. There is no 'between' episodes: while the violence might be sporadic, the fear it engenders is not. Frustration with victims who are 'un-cooperative', difficulties with risk assessment and mistakes with safeguarding all have an effect on the ability of police to prosecute offenders and keep victims safe – which is what police officers actually want to do.

So there is a need for a shift in how police officers think about the problem of domestic abuse and much of what they are currently taught about as investigators is not going to help. Even the basic procedure of taking a statement can be problematic in the context of the coercive control model: officers are taught to take statements about events but with coercive control there is no event - you are telling a narrative, a story. I am going to predict that the biggest challenge that you will face will be the same as the one we are facing in England and Wales – namely that understanding coercive control – and implementing the new legislation – will require male institutions to be alert to behaviours to which they are routinely oblivious. Just look at the outpouring of shock and disbelief that has accompanied the #MeToo

movement as men become aware of the routine sexual harassment which has been a part of women's reality for centuries. Identifying and gathering evidence to prosecute coercive control requires a different kind of policing approach than is usually adopted. It will require a huge increase in professional curiosity and an acceptance that you might not know as much as you thought.

There is then the further challenge that it's not as simple as just training people on what the law is as this is actually relatively straightforward. The 'help' police officers need is an accessible, working model of coercive control expressed in the language in which they will encounter it.

The idea of a working model of coercive control is not new. Work began on modelling control in the 1980s with the well-known 'power and control' wheel developed by (the sadly late but great) Ellen Pence in Duluth in Minnesota and which has been continued and developed further by many others.

So what might this model look like? Well there are three major elements to control:

Grooming, coercive behaviour, and victim response

Grooming

Grooming is a critical component of coercive control. Victims of coercive control are vulnerable, but not because they are weak, character-deficient, or mentally unwell. They are vulnerable because they have been groomed. And this element tends to have four stages: courtship and disclosure, fear, exhaustion and emotional abuse and isolation.

Courtship and disclosure

At the beginning everything is wonderful – fairy tale like even. She is showered with compliments, gifts, attention. It feels magical – she is treated as a highly desirable person, he behaves like her Prince. Survivors often recall this period as incredibly intense. And dazzled by the intensity of the courtship, women give perpetrators access to their lives: to their homes, their families, and even their most intimate secrets. The significance of the behaviour is rarely

apparent at this stage – instead it feels as if she has found her ‘happy ever after’. He is often extremely charming and is able to use this to explain away any niggling doubts. Who amongst us after all doesn’t like to be treated as if they are the most wonderful, fascinating and desirable person who ever walked this earth?

Then comes the fear. For many survivors, recognition that they had been groomed – that is that their abuser’s initial attention was more about ‘grooming’ than ‘courtship’ – occurs when they start to feel frightened. This is often a transformative moment. Ellen Pence used to tell a story of a woman who thought she had found The One, was madly in love and got married. So far so good. On the honeymoon he lost his temper over something and attempted to strangle her with a bathroom towel. It was ‘explained away’ as a moment of madness... bought on by the stresses associated with the wedding and she, horrified and confused eagerly accepted this rationale because the alternative was that she had just made a huge colossal mistake and nothing else in her experience at that point led her to believe that he was an abuser who would be violent to her again. And she was right. For the next six years of their relationship, he never again used physical violence. But. Whenever there was a moment of tension he would go to the bathroom and he would bring out a towel, and he would just put it on the table. And of course at that point, she would give in and do what he was demanding. Without context, the placing of the towel on the table would seem innocuous whereas in reality it was an instrument of terror.

Exhaustion and emotional abuse

Living in a state of fear is exhausting. The exhaustion is further exacerbated by the perpetrator’s emotional abuse.

The emotional abuse takes similar forms for many survivors. As mentioned earlier, the gendered emotional ‘put-downs’ contain criticisms of victims’ roles as mothers and homemakers – criticisms of the way they dress, the way they cook, the way they parent. At its most extreme, emotional abuse is humiliating and degrading. I have had survivors tell me stories of eating from dog bowls, being made to lick toilets clean, of having their underwear inspected after each occasion they have left the house – and worse. The more demeaning the demand, the more humiliating it is for her when she complies.

Isolation

This is a key tactic because control is much harder to maintain if dependency is harder to create if there are other perspectives and other sources of support. Friends and family are removed from any position of influence – often initially very subtly – that friend is using you, your mother looks down on me, I want to spend more time with you. In such ways the perpetrator removes emotional support from the victim. Emotional abuse has a profound and long-term effect on victims in the way that it increases vulnerability. Without support, it is difficult for her to resist the world-view that he has and demands that she share.

Overall, grooming is an essential component of coercive control. Initial ‘courtship’ gives way to behaviour that terrifies, emotionally abuses, and isolates survivors. In this way perpetrators create survivor vulnerability.

Coercive Behaviour

Coercive behaviours are thus the product of a relationship between demands, credible threats, and surveillance.

Survivors often talk about demands linked to the perpetrators’ creature comforts, the way in which she looks after him and his children, and the way that she presents herself to the world around her – what she cooks, how she cleans, what she wears. This can be – and often is – accompanied by humiliating ritual such as insisting the towels be folded in a particular way or that all the labels of tins be aligned. Failure to comply results in punishment.

Demands then become coercive because the threats are credible. Survivors learn (with good reason) to be fearful. This is where the grooming, and an appreciation of context are important. Survivors do not ‘give in’ to perpetrator demands because they are inherently weak or flawed as individuals. They obey, because they are rightly fearful of the consequences if they do not. They understand the threat posed by the perpetrator because they know that he has access, and that he is dangerous. Survivors can tell you these stories and they can become part of the evidence for prosecution but you have to ask the right questions and focusing on events is not going to elicit this. Instead we need to ask what was the ‘or else’ that made you comply for your own safety? Why did you think that? How did he remind you of this ‘or else’?

The final piece of the jigsaw is the surveillance – she also might have reason to be fearful that he will know if she disobeys him because he is spying on her. These days, some form of surveillance is present in the lives of almost all survivors. As with everything else, it can seem innocuous if it is not contextualised. Survivors tell us of time monitored at home, at work, even time spent on the toilet. Technology gives perpetrators new powers – tracking devices on mobile phones, administration access to all email accounts, remote access to the home computer.

The most important point for police to understand about the dimensions of coercive control is the way that they work together – and here's the critical bit – that they are bespoke patterns of control. It is of no use to have a behavioural checklist as each abuser specifically targets the vulnerabilities of each specific women and these will vary wildly. What is more useful is to focus on the strategies – the grooming stages and the insight this gives each women into perpetrator capability.

Victim's Response

The survivor response to coercive control is the third dimension to the theoretical model. Survivors talk about fear, instability (walking on egg shells), and personality change. The most significant short-term part of the impact that the control has on the survivor is the way that she moderates her behaviour: but the long-term context is more profound. As Evan Stark puts it:

The impact of the control on the victim is devastating. She exists in a constant state of fear that she has not moderated her behaviour sufficiently to avert catastrophe for herself and her children. Her fear is real and not imagined, as it is based on a realistic appraisal of the perpetrator's capabilities. But for the survivor the fear was not the worst effect of the abuse. ... Survivors explained that worst of all was how they learned to blame themselves for the position in which they found themselves and lost confidence in their ability to make decisions about their own and their children's lives.

Obviously, police who meet the victim for the first time as she reaches out for help are not in a position to judge personality change. But assessing fear levels and instability, and recognising that there might, in fact, be significant personality change, are all very helpful in terms of addressing some of the hurdles mentioned earlier.

Such an understanding will not 'solve' all of the 'problems' identified. Investigating a relationship is more complex and time-consuming than investigating an incident. Coercive control is more complicated than other types of crime. But time spent investigating an incident is not time 'saved' if it is not the incident that is, in fact, the problem; a criminal offence cannot be overlooked because it is complicated.

In general, understanding that coercive control has a clear infrastructure will give officers the confidence they need to judge the relationships they encounter. Understanding that coercive control is ongoing, rather than incident specific will help alleviate the frustration that is felt by police as a result of mistaken assumptions of decisional autonomy. More specifically, understanding the relationship between grooming and coercive behaviour will help direct officers to asking the right questions. This process is not watertight but understanding how the different dimensions of coercive control work together will help officers to 'see' it. And finally, understanding that the fear that a victim expresses is real, and not imagined, and is based on a realistic assessment of what the perpetrator might do to her will help officers (and their supervisors) make a more accurate assessment of risk.

In all of this I want to be clear that it is important not to understate progress – trust me I've been working in this field for over three decades and the progress is remarkable. The development of the way that criminal justice system – and the police in particular - respond to intimate partner abuse is a story of progress, but it is a story that needs to continue to develop – there is absolutely no room for complacency whilst thousands of women still suffer, the attrition rate is so high and far too many women still die.

The next major step forwards when it comes to policing domestic abuse will be the move towards developing a coercive control model of policing domestic abuse. On its own, the new legislation will not achieve this. – it needs to be properly implemented. I hope some of what I've covered here today will aid you in doing this – for the sake of all those abused women and children out there we need to keep trying to realise the true revolutionary potential of this new law.

Thank you.