Inside the Cage: ‘coercive control’ is the key to a more nuanced understanding of domestic abuse
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“Start with the cage and everything changes”. These are the words of Evan Stark, a forensic social worker and leading voice on ‘coercive control’. Despite recent changes to the law, our view of domestic abuse is still outdated. It remains confined to the individual, physically violent incident. We must appreciate the ‘cage’ structure within which domestic abuse victims live.

Coercive control is a relatively new framework in the study of domestic violence. Stark first coined the term in 2007, in his influential work Coercive Control: How Men Entrap Women in Personal Life. However, coercive control was only criminalized in England and Wales in 2015, and the UK has been a world leader on this issue. In the Serious Crimes Act 2015, coercive control has been defined as ‘a pattern of acts, including assault, threats, monitoring and intimidation designed to frighten and punish the victim and isolate them from family and friends’. Building on the 2015 law, a Domestic Abuse Bill was proposed by Theresa May in 2018 and reached committee stage in Parliament in early June this year. The Bill seeks to create a statutory definition of domestic abuse, emphasizing that it is not just physical violence. It also includes ‘emotional, coercive or controlling, and economic abuse’. A coercive control framework draws attention to non-violent, psychological, and gendered aspects of domestic abuse, which help to explain the iron grip of abusers and why victims often return to them.

Despite these legislative initiatives, implementation has proved difficult. By the end of August 2016, there were just 59 convictions for coercive control. This figure is low, given that coercive control is the bedrock of most domestically abusive relationships. The onset of the coronavirus has caused even more concern for domestic abuse victims, and has brought the issue yet again to the forefront of national attention. Vulnerable people have been forced to lockdown with their abusers. Eerily, the number of calls to domestic abuse services dropped significantly in the first few weeks of lockdown, as victims could not get free access to the phone while trapped at home. In a Woman’s Aid survey published in May on the impact of COVID-19 on domestic abuse victims, 67.4% said that the abuse had got worse since lockdown and 78.3% said that COVID-19 has made it harder for them to escape abuse.

The nature of coercive control is insidious. Bruises are not always visible. Rather, personalized knowledge is power. It is effective, not because of the physical strength of the abuser, but because threats of violence are tailor-made to their victim, what Stark calls, ‘intimidation that feels like love’. Various tactics such as arbitrary rules, cyberstalking and constant phone contact serve to erase the line between confinement and freedom. This is achieved by extending surveillance tactics beyond the home, to all those places where the victim might restore a sense of their autonomous identity or access support. Anna Larke, a former girlfriend of Justin Lee Collins, a comedian convicted of harassment in 2010, long before coercive control was in the law books, described feeling as though she had been “brainwashed”. Stark also emphasizes that coercive control is a gendered crime. One of the reasons why it can be so difficult to spot is that it involves behaviours that conform to normative gender performances. Men are more likely to deploy coercive control tactics successfully because they fit within a cultural script of masculinity which demands they take control. Stark notes that abusers often draw on women’s feminine identities in their abuse, such as criticizing and controlling their appearances, and their abilities as housewives and mothers.

To understand the dynamics of coercive control, we need to shift our understanding of domestic abuse away from one defined solely by incidents of physical violence. In February this year, Han-
nah Clarke and her three young children were brutally killed in a car fire in Brisbane set by her abusive ex-partner. Yet before her murder, Hannah was subject to little physical violence. However, when they were together, Hannah’s former partner controlled microscopic details of her life. He told her what to wear. He monitored her phone. He isolated her from her family. The traditional ‘calculus of harms’ used by the police is, in fact, a very poor marker of domestic violence. A 2016 report by Andy Myhill and Katrin Hohl found that patterns of coercive control were the best predictor of the risk of domestic homicide, far better than assessing the severity of physical assault alone. The best indicator of domestic violence is not its severity, but its frequency, duration and cumulative impact. Instead of measuring the suffering of women in bruises and broken bones, the experience of coercive control is better understood as akin to living under a tyrannical regime.

One of the most influential factors in changing the public perception of coercive control in the UK was Helen Titchener’s storyline on The Archers. Her husband Rob controls, belittles, ‘gas lights’ and routinely rapes Helen until one day, she snaps and stabs her husband. The storyline initially started before the Serious Crimes Act had been passed. Its cultural impact was huge. It made the front pages of the tabloids and a fundraising page put up in Helen’s name raised nearly £200,000 for domestic abuse charities. It also gave the listeners an insight into the duplicitous ‘Jekyll and Hyde’ nature of many abusers’ personalities, as Rob was portrayed as both charming and charismatic, controlling and manipulative.

There have been successful convictions of coercive control under the Serious Crimes Act. Lee Coleman was one of the first people to be prosecuted under the new law, in 2016. He displayed controlling behaviour over his twelve-year relationship with Amanda Scrivens. He controlled the finances, giving her only a small allowance. In a disagreement about Amanda taking over the tenancy of a local pub, he belittled her, telling her she could never do it. Later that night he smothered her with a pillow in front of her children. He was convicted to three years in prison. Yet he only served a year of that sentence. Even more disturbingly, Amanda was not told that he had been released from prison and only found out through a friend.

Coercive control has an even more ambiguous impact in cases where women have killed their abusers. A landmark case which drew attention to coercive control was that of Sally Challen, a woman who was convicted in 2011 for the first-degree murder of her husband, Richard. However, on appeal, her sentence was reduced to manslaughter. She was released in 2019, after Harriet Wistrich, founder of Justice for Women, used Richard’s manipulative behaviour over 31 years of marriage to explain Sally’s actions. For example, after the couple separated, and Sally found it difficult to cope on her own, Richard came up with a ‘post-nuptial’ contract, as conditions for having her back, which included the insistence that Sally quit smoking, not interrupt him amongst friends, and only accept £200,000 in a settlement of their joint assets.

However, the triumph for the coercive control argument, used in Sally’s defence was far from absolute. Though Sally’s appeal to a reduced sentence was granted, the judges emphasized that they were more persuaded by the recent psychological discoveries about Sally’s mental health, than by the new coercive control framework. This is because, coercive control in itself does not fall under the two possible defences for murder: provocation and diminished responsibility. Stark, who was an expert witness in the Challen case, believes that lawyers should be able to use a “liberty defence” rather than a psychiatric one. When framed as a capture crime, the narrative changes. After all, no one would charge a hostage with homicide for killing their captor. In Sally’s case, it was not enough that her husband had constrained her liberty for decades and controlled her, she had to be seen as mentally ill. Thus we are a long way off from recognizing the retaliation of abused women as self-defence and a desperate bid to escape rather than an act of fatal insanity.
Though Britain is ahead of the curve on the issue of coercive control, it remains a difficult offence to prosecute. Police are not trained to ask about the signs of coercive control, such as the sequestering of finances, dictating a partner’s physical appearance and even reproductive control. Coercive and controlling behaviour is inherently more difficult to spot than physical abuse. The sheer number of cases means that police cannot often afford to look beyond the isolated incident which has been called to their attention. Because crimes of coercive control are difficult to identify and to prosecute, repeat abusers may have no official criminal history. DI Larry Johnston of the Domestic Abuse Investigation Unit at Thames Valley Police said that 43% of the victims he deals with are repeat victims, meaning they suffer another crime within a year of reporting. Moreover, victims often retract their statements. Natalie Hemming, who was murdered in May 2016 by her partner, Paul Hemming, had made statements to the police about his controlling and abusive behaviour as far back as nine years before her murder but had retracted them all. Yet retraction should be recognized as a potential sign of coercive control in and of itself.

The difficult reality is, for many domestic abuse victims, particularly those experiencing the psychological strains of coercive control, it is far easier to stay with their abuser than to leave. Some of the reasons women might feel they can’t leave their abusive home life include economic dependence, wanting to protect their children, lack of a support system and fear of the escalation of violence. This reluctance to leave their abusers, or press charges against them, can cause frustration amongst the authorities.

Despite the difficulties of prosecution, once we are able to understand domestic abuse as a long-term capture crime, rather than a series of individual violent episodes, we will have a clearer view of the ‘cage’ which entraps domestic abuse victims. It will also help us to see why victims respond to abuse in the way they do, either in their reluctance to leave or, in rare cases, their violent retaliations. The coercive control framework allows us to see the nuanced workings within the intimate crime of domestic abuse.