

**Submission  
No 30**

## **COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS**

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## COERCIVE CONTROL OR COVERT CONTROL?

Coercive control legislation seeks to capture the social, financial, psychological and technologically-facilitated aspects of domestic violence (DV). Conversations about this type of abuse almost always assume it is perpetrated by men towards women and, while admitting it ‘might happen to men’, use statistics to show the prevalence of women suffering DV abuse (for example, Stark, 2007).

As criminal law will mostly require evidence of the occurrence of coercive controlling incidents, psychological control may be difficult to prove. The issue of psychological control can be quite subjective and, if legislated, can lead to over-criminalising as a way to prevent people hurting other’s feelings (Douglas, 2015). Moreover, if coercive control legislation is being considered as a way to capture covert behaviours, how can it be enacted if the victim is unaware of their own and other’s manipulations?

Manipulation (control) involves insidious behaviour, often evident in body language signals, such as grimace, starring eyes, frowns, snarls or tone of voice. Authoritative, admonishing and derogatory tones may, however, be tolerated by those who have experienced such treatment in their early childhood. Controllers often use veiled threats in their body language with the aim of making the recipient submissive.

Covert tactics of deceit, manipulation and control are a subtle, but coercive, means of achieving an advantage. A manipulator’s coercion is not obvious because they can appear to be caring or even hurting when, in fact, they are emotionally controlling (Simon, 2010). A lack of self-knowledge makes many people vulnerable to the ploys of covert coercers who use various defence mechanisms to gain control. Defence mechanisms include denial, selective inattention, rationalisation, diversion, lying, covert intimidation (guilt-tripping), shaming, playing the servant, seduction and playing the victim.

Body language experts, such as Allan and Barbara Pease, look beyond the messages portrayed in spoken language and physical appearance. They can explain the agenda of the coercive controller evident in their facial and bodily expressions.

Interestingly, in a recent episode of “Media Watch” the host, Paul Barry, suggests that expert body language interpretations are a ‘lot of nonsense’. He failed to differentiate between covert body language signals and assumptions made purely on people’s outward style and appearance. Barry’s comments show how people base their assumptions on superficial images, such as attractiveness and feigned kindness.

As the issue of coercive control is complex and esoteric, especially in terms of the nature of psychological control, the problem for the legal system is (1) how to gain evidence of such incidences having occurred and (2) how to assess who is actually being coercively controlled, particularly if the coercer is playing the victim and the victim is unaware of their manipulation.

Barry, P. ABC *Media Watch* Episode 35, 9 pm, 5 October 2020.

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