

**Submission  
No 54**

## **COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS**

**Name:** Name suppressed

**Date Received:** 28 January 2021

Partially  
Confidential

## Response to the NSW Joint Select Committee on Coercive Control

---

I thank the NSW government and the Minister for the Prevention of Domestic Violence for this opportunity to contribute to the discussion. I am a registered health practitioner and have been privy to many disclosures of abuse, and have had personal experience in a long-term abusive relationship.

Firstly, I would like to preface my comments by saying that although, for simplicity, I have used the **masculine pronouns**, it is recognised that the control is not always perpetrated by a male, and not all males are perpetrators.

Secondly, I would like to posit that this blemish on society is **not restricted to adult partner relationships**, but can be a feature of parent child relationships too – the abuse of children by parents, and the abuse of parents by children.

Thirdly, we need to acknowledge **causes and effects**: the underlying causes of the abuse (psycho-emotional issues and poor role models on the part of the abuser), and the effect on the subject of the abuse, its repercussions in their other relationships and in their self-esteem, educational and employment prospects, and in their ongoing health and prosperity.

Fourthly, I have avoided the term **"victim"**. Those who are the subject of abuse should never be portrayed as weak. All women are survivors. Despite their imprisonment in an abusive, controlling relationship, they use their strength to do what they believe is best for their children by "working on the marriage". Or to survive without leaving because leaving is fraught with risk. I was subject to controlling and abusive behaviours in a marriage lasting almost 30 years until I left 25 years ago. However, I never saw myself as a victim ... only in the later years as a facilitator. Absence of self-esteem and confidence caused me to believe I could not survive economically outside the family business that, ironically, I was running. Such is the distortion and loss of identity. I was a survivor even then, a warrior for my children, offering protection and making sure their educational and recreational needs were met. After leaving, I built a new life, and am a phoenix now. This is the same story for many women. So I prefer terms such as "subject of control".

My comments address principally the following four paragraphs outlining the Purpose of the Paper

- 1.5 ***Coercive control does not describe any single form of abuse or behaviour, but rather it describes the pattern of domination and control that is created through a collection of behaviours. These behaviours may include physical, sexual, psychological, financial and emotional abuse and intimidation, used as tactics by a perpetrator to gain power, control and dominance over the victim-survivor. Coercive control is typically an interwoven course of conduct carried out over time. Individual acts may appear trivial, whilst forming part of a broader matrix of abusive behaviours that serve to reinforce and strengthen the control and dominance of one person over another.***<sup>3</sup>
- 1.6 ***As a general proposition, the criminal law seeks to deter, and where required punish, anti-social acts, as opposed to patterns of behaviour which, when considered in isolation, may fall below the level of criminality, but when considered together are harmful. However, the question arises whether the justice system should respond to DFV by recognising the breadth of behaviours which are used to coerce and control a victim and the full context in which they occur.***
- 1.8 ***Consideration should be given to the suitability of the existing legal framework in NSW, including how evidence law and sentencing can better recognise the impact of coercive control; considering whether a specific criminal offence should be created, as has occurred in***

*other jurisdictions; and identifying the broader social and policy efforts required to enhance community awareness and understanding of coercive control.*

1.11 *The NSW Domestic Violence Death Review Team (DVRT) in its 2017-2019 report highlighted that, in a number of cases it had reviewed and in previous reports, **there was not necessarily evidence of physical abuse occurring prior to a homicide but there was evidence of sometimes long histories of other forms of coercive and controlling behaviours.** It noted the complexities that can arise in such cases with perpetrators going to extreme lengths to control their victim and avoid detection and the varying ability of a victim or those close to them to identify what was being experienced as domestic and family violence.<sup>4</sup>*

The four paragraphs cited above identify

1. That subtle and "passive aggressive" behaviours can be fundamental to control and abuse
2. That there are many forms of abuse, and that those are part of a pattern of abuse
3. The effect of the abuse is to gain dominance – in simpler terms to bully, intimidate and control.

Satisfaction for the perpetrator is in power and dominance. It is not just about getting his meals cooked and having his shirts ironed – it is in seeing the results of his intimidation. The fact that the tools of that intimidation are often denied or hidden implicitly recognises that they are unacceptable. On the other side of the coin, there is a tacit acceptance of some of those behaviours as being "normal masculine behaviour" – after all, society has for so long approved and encouraged male social supremacy and dominance. And, if you are not "the boss" at home – if you don't "wear the pants" then you are not an ideal, "strong" man.

Intimidation is much more than overt threats or bullying. Intimidation is, by essential linguistic definition, causing a person to feel intimidated and disempowered by any means. It may include demeaning comments, expectations of servitude, expression that the person is not as important or as worthy as the intimidator, put-downs, criticisms and blame (especially when unjustified), inconsistencies in what is expected of the person being intimidated and the intimidator such as complaints of money spent when the intimidator is extravagant in meeting his own needs or general selfishness while dismissing the needs of the person being intimidated. It includes derisive and dismissive responses and attitudes that demonstrate the intimidated person has no value. The result is loss of self-esteem, and loss of assertiveness.

All of the above consolidate and entrench the unequal power balance that makes the intimidator the master-gaoler and the intimidated person the prisoner-slave. Persistent intimidation has the effect of making the intimidated person feel they are living in an escape-proof dungeon. Her social isolation just puts an extra lock on the door.

### **Subtle or hidden patterns of controlling behaviour**

Paragraph 1.6 states: "... *the criminal law seeks to deter, and where required punish, anti-social acts, as opposed to patterns of behaviour which, when considered in isolation, may fall below the level of criminality, but when considered together are harmful.*"

We do not need to wait. We cannot continue to dismiss and excuse and ignore. The less overtly aggressive behaviours and patterns used to achieve abusive control must be identified as such and must be used as evidence in criminal prosecutions. After all, we pursue "grooming" in child sex crimes, where there is a range of behaviours designed to instil confidence in the subject, and alienate the subject from parents, friends and family. What is so different? Both patterns are designed to control and sequester. In "grooming" the approach is flattery – in partner or other domestic abuse, the tools are dismissal and humiliation, leading to intimidation, control, and psychological and physical abuse.

## Normalising harmful behaviours

Question 2 from the discussion paper asks: "How should it distinguish between behaviours that may be present in **ordinary relationships** with those that taken together form a pattern of abuse?"

I respond to that question as follows:

1. What is meant by an "ordinary relationship"? The acceptance of male controlling behaviour in relationship is widespread and is part of our culture. It is instilled in men that they have to be "the master of the house" and in women that they must be "wifely", serve her man, and take charge of all household chores. That is not just the thin end of the wedge – it is the wedge inserted halfway.
2. Men's bad behaviour is commonly excused ... or spoken of in minimising, mitigating terms. They often joke about being helpless when it comes to household chores, or else proudly proclaim they don't do "women's work" (like a dependent child), but often will not let their wife know about financial arrangements – demeaning and disrespectful on both counts. A wife is not a low-level servant.
3. Even overtly aggressive behaviour is mitigated "Oh, he gets a bit rough with the missus from time to time – but she asks for it".
4. Occasional slips of bad behaviour are to be discouraged, but may be forgiven as "human imperfection". The questions to ask may include
  - a. Are they part of a pattern of gaslighting, dismissal and diminishing of self-esteem?
  - b. Do they have the effect of hurt and intimidation on the subject they are aimed at?
  - c. Or are they, perhaps, just part of a robust, egalitarian discussion where both partners are **equal in the exchange?**

## Strategies

**The Law:** First and foremost – the avenue **immediately available** – pursue criminal behaviour according to the statutes:

1. Charge offenders
2. Ensure police are properly trained and do the job they are engaged to do
3. Further, there must be laws already in existence that address persistent passive- aggressive behaviours have deleterious result on another person, and/or if there is a curtailing of their human rights and freedoms (to enjoy the company of friends, to be able to pursue their own interests), if there is a situation where one person is in servitude to another. That is slavery and virtual imprisonment – physical and psychological. If a child is kidnapped and subjected to that treatment, or a parent is overly controlling, the law acts. Charges are laid.

Pages 10-12 of the discussion paper explains the "Offence of intimidation/stalking", "Classification of other criminal offences as domestic violence", and "Civil law: Apprehended Domestic Violence Orders" where it states clearly:

*3.13 ADVOs may also be made as a consequence of a conviction for a domestic violence offence (as discussed above). **A conviction for a domestic violence offence, regardless of whether the offence involved physical violence or not, triggers an obligation on a court to make an ADVO.***<sup>23</sup>

**Education:** No less importantly, we require social education.

1. Recent televised campaigns have been welcome – but most demonstrated overt aggressive behaviour that people recognise as being unacceptable. One hoped for outcome is that more people will speak out – both to aggressors and to support the subject of their aggression.

