

**Submission  
No 72**

## **COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS**

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## Submission to the Joint Select Committee on Coercive Control-NSW Parliament, Inquiry into Coercive Control in Domestic Relationships

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### Summary and Recommendations

#### Summary

In this submission I focus on coercive control and economic abuse. I recommend the criminalisation of coercive control. It is important for the law to state it is criminal for a person to entrap an intimate partner by denying the partner money, appropriating assets, and sabotaging her/his/other's paid work. I address the question: Where should the law draw a line between control that is accepted in a culture and control that is coercive? I submit that coercive control is exercised when there is male, joint or independent control of money and when money is managed via a joint or separate account. Control becomes coercive when money practices are not accompanied by the morality or moralities of money. Then money as a medium of care becomes a medium of abuse. The criminalisation of coercive control will require a change in mind set and the training of legal personnel. They will need to move from an event-based assessment of physical assault to hearing a narrative of physical and non-physical abuse. It will mean developing a reflexive sensitivity to the gender and morality of money across cultures. This change is important for it will help prevent our daughters from suffering the devastation of economic abuse.

#### Recommendations

1. Criminalise coercive control so that non-physical and physical family violence is criminalised.
2. The law should take into account that coercive control in domestic relationships can be perpetrated by an intimate partner alone or aided by members of his/her family, particularly when the family rather than the couple owns the money.
3. Training of legal and family violence professionals should encompass the gender and morality/moralities of money within and across cultures.

#### Introduction

This submission draws on the study of 'Money, Gender and Family Violence across Cultures' in Australia (hence referred to as the Family Violence Study). I conducted it with Associate Professor Marg Liddell of RMIT University and Dr. Jasvinder Sidhu of Federation University Australia. Between May 2016 and September 2017 we conducted 47 open-ended interviews – 13 with Anglo-Celtic and 17 with Indian women who survived family violence and 17 with community leaders and service providers. Papers drawing on this research (Singh, 2019, 2020a, 2020b; Singh & Sidhu, 2020) report the findings in the context of the literature on family violence and the sociology of money. This submission also draws substantially from my forthcoming book on economic abuse which focuses on the stories of 12 of the women in the previous study (Singh, Forthcoming 2021).

#### Criminalisation of coercive control in domestic relationships

There remains a silence around economic abuse. The Family Violence Study shows that some women recognised only after their marriage ended that they had been subject to economic abuse. They were relieved they were not to blame for their resulting poverty, a loss of sense

of self and agency, mental and physical ill health. The women realised it was because of economic abuse and not because the women did not know how to deal with money, were incompetent or 'obsessive'.

Economic abuse is family violence that has devastating consequences. Why is it not criminalised? None of the perpetrators of economic and emotional abuse apologised. None of them were prosecuted. In some cases, despite the violence they unleashed, they were successful in getting half the house or more, even when they had not contributed equally towards it. They were able to deny child support, hound women through the courts, adding to the trauma already suffered. The women were left thinking the state had become an actor in the continuation of the violence of money.

At present the Australian legal system tells women in an intimate relationship that it is criminal if the man beats you. But it is not a crime for him to deny the woman money, appropriate it, sabotage her work and push the woman and children into poverty. It is only with the criminalisation of coercive control that women and men will get a clear message that society does not condone physical and non-physical abuse, that family violence of any kind is a crime and not a private shame.

Criminalising coercive control can have a symbolic and educative role in increasing recognition of the moral gravity of coercive control (Quilter, 2020). It would help a woman who was experiencing economic abuse to recognise it as family violence. Naming the abuse can enable the woman to prepare to leave if she wants to and if she can. She can begin preparing for financial resilience so that she and her children have a future.

#### Drawing the line between accepted control and coercive control of money

The Discussion Paper (NSW Government, 2020) accompanying the Inquiry notes:

... the demarcation between coercive and controlling behaviours on the [one] hand and voluntary choices in a relationship on the other hand may be difficult to determine. For example, one indicator of coercive control may be that one individual controls the finances of the household. In some relationships, this could be indicative of a pattern of oppression or exploitation, whereas in others it could indicate a consensual position between the individuals (p. 8).

Julia Tolmie (Tolmie, 2018) goes further and says 'Applying the concept of coercive control requires a sensitive gender analysis' (p. 55) because men exercise coercive control by targeting women's gendered roles as mothers, homemakers and sexual partners (Stark, 2007). Tolmie says that 'male dominance is to some degree *naturalized*' (p.56) and women's 'roles as wives and mothers involve a measure of unpaid servitude, even in otherwise egalitarian relationships' (p. 55). She asks: 'If abusive behaviour exploits existing gender norms when does 'normal' end and 'abuse' begin?' (p. 56).

Coercive control can be hard to recognise within the same culture. The question that still needs to be asked is: How will the law deal with coercive control across cultures?

The Family Violence Study finds that coercive violence has the same characteristics and devastating impact across cultures. Money management and control arrangements can be unequal, but it is when control is exercised without responsibility and morality, with an intent to harm the partner, children and family, that control becomes coercive. Male, joint and independent money management and control systems become coercive when they betray the

accompanying morality of money. This is an important insight for policy makers and practitioners. The morality of money is the line between what is normally accepted in a culture and what is abusive.

The women in the Family Violence Study managed money through joint accounts, separate accounts or a combination of joint and separate accounts. Two migrant Indian women deposited their money in their husbands' account at the beginning of their marriage. Some women believed in the jointness of money in marriage, some depended on their husbands to provide, while others were initially comfortable with the male control of money. Yet all the husbands used money to control, entrap and isolate their wives, making them feel this was happening to them because it was their fault.

I give examples from the Family Violence Study to illustrate how money as a medium of care can become a medium of abuse, how money without morality leads to economic abuse.

Carol,<sup>1</sup> 67, a teacher, placed her savings of \$60,000 and later her salary as the main earner in the household in a joint account when she married for the second time. She saw the joint account as a symbol of the jointness and partnership of marriage. Carol had a credit card but said she 'wouldn't dare spend it on anything without speaking to him... I bought groceries [knowing] he would check, he would go over the statements.' What hurt her most was she could not give gifts to her children and siblings interstate. Without asking Carol, her husband sold her sewing machine that she had owned for years and a roll-top desk she cherished. He took all her earnings from the joint account and paid off the house. The economic abuse came with the looming threat of physical violence. One day she hid for three hours curled up at the bottom of a big walk-in cupboard for she knew 'he was going to turn on me'. She said, 'I'd nearly gone crazy.'

Betty, 66, who kept her money in a separate account like her mother, did not escape economic abuse. She expected her husband to give her housekeeping so she could pay the bills and educate their children. He did not provide. Though she earned less than half her husband's salary she paid for the three children's Catholic school education, the mortgage and the household expenses from her salary alone. The stress led to physical and mental ill-health. She attempted suicide three times. Her husband said she was 'obsessive' about money. She tried to leave many times but had nowhere to go. Betty and her children still do not know what her husband did with his money. Eighteen months after he died, she discovered she had suffered economic abuse during her marriage. Betty said, 'It was like an epiphany. I telephoned my sister and said I had been suffering domestic violence.' Her sister had not recognized it either.

Carol used a joint bank account while Betty kept her earnings in a separate account. Both stories show how their husbands used the joint account and the separate account to not provide towards the household expenses. Both denied their wives and children money. Carol's husband also appropriated her assets. Both women feared they were losing their minds.

Economic abuse was equally devastating for the Indian participants. The women's lack of strong networks of family and friends helped their husbands isolate and entrap them, leading

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<sup>1</sup> Participants' names are pseudonyms.

to a diminished sense of self and removing the freedom of money. For these women, economic abuse took place with male controlled accounts, joint accounts and remittances.

Bala, 49, a teacher and community advocate spoke of her first marriage as one of 'hurt and torture.' In the early years of her marriage, she deposited her salary into her husband's account. She trusted her husband would look after her and their daughter. Instead, he used her earnings, controlled her expenditure, did not pay for their daughter's education, denied her money for groceries and tried to sabotage her career. After seven years of marriage, he abandoned Bala and their daughter.

Chitra's story illustrates the contours of economic abuse as it took place in an Indian joint family in Australia. Chitra, 29, was working in India as a professional when she married and migrated to Australia. The economic, emotional and physical abuse started early. Her husband and his family threatened they would have her deported as she was only on a spouse visa. The abuse went along gendered lines. She was accused of not being 'a good wife.' Her husband appropriated money in their joint account and involved her in 'coerced debt' through loans and a directorship in the family business. Her jewelry was kept in her brother-in-law's bank locker and not returned. His family sabotaged her initial attempts to qualify so she could continue her work as a health professional. The day after she qualified, her husband beat her 'mercilessly'. She tried to escape but her husband's brother and his wife pulled her back. She then ran out again, straight to the police station, fearing for her life.

In India, it is a moral act particularly for the son to send money home to his parents. But in the Family Violence Study sending money home was also used as a way of denying money to the wife and children. The 'moral son' could be an abusive husband and father. Prema, 36, a skilled migrant who married a man from India, was the main earner and bore all the household expenses. On a visit to India, she discovered her husband had sent home \$200,000 he had received in compensation for an accident. He later assaulted her so severely that she had to be hospitalised. He finally left after six years holding her responsible for the end of their marriage. As he was leaving, he took away her jewelry.

### Challenges of training

There is wide agreement in the literature that coercive control better reflects the experience of family violence than the incident based physical assault that is the present focus of criminal law. One of the main arguments against criminalising coercive control is that the legal system does not have the capacity to conduct the nuanced gendered analysis that is needed to recognise, investigate and prosecute coercive control.

This is a valid concern. Criminalising coercive control will involve a shift from seeing family violence as separate events of physical assault to seeing it as a continuous narrative of physical and non-physical abuse. It will also mean the police, prosecutors and judges will need to listen and learn about money practices in their own and other cultures.

It is a change of mind set. The legal system however has dealt with major changes before. Criminalising the physical aspects of family violence meant a move from seeing family violence as a personal 'domestic' matter to regarding it as the biggest law and order issue in the state. The challenge now is to use best practice learnt from countries who have already criminalised coercive control, to start training for this deep listening and gender sensitivity. Just because this training will be difficult is not a sufficient reason for not criminalising

coercive control. The change of mind set that the law will bring is necessary if we want our daughters to be free of economic abuse.

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