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Coercive Control

For years, battered women have been insisting that “violence wasn’t the worst part” of their abuse. What they meant has only become clear to researchers and policy makers relatively recently.

The significance of domestic violence for female injury is well known. In the 1980’s, Anne Flitcraft, MD and I did a series of NIMH funded studies at Yale-New Haven Hospital that showed domestic violence was the leading cause of injury for which women sought medical attention, more common than rape, auto accidents and muggings combined. The Yale Trauma Studies (YTS) also showed that, compared to non-battered women, battered women were at an elevated risk for a range of medical, mental health, behavioral and psychosocial problems, including substance abuse, child abuse, suicide attempts, depression, HIV and homelessness. Because these problems only become disproportionate after the onset of abuse, their emergence is explained by the abuse, not by a pre-existing mental health or medical condition. Not only are these problems common among battered women. Battering is a major cause of these problems in women overall, accounting for 45% of child abuse cases, for instance, 35% of rapes, a third of female suicide attempts (and 50% of those made by Black

women) etc. It is obvious that early intervention/interdiction in this problem would reap enormous benefits and cost-savings.

Based on our research and the research by others, we now know the following.

- 1. Domestic violence is almost never an isolated incident. In the vast majority of cases it is not only repeated but frequent.** Overall, 1 in 3 victims report “serial” abuse (> once a week). A 2010 CDC population study revealed that the abused women identified experienced the following types of assault between 11 and 50 times or > 50 times: choked (10%; 5%); kicked (18%; 7%); “hit with a fist or an object” (19%; 10%); “beaten” (21%; 18%); and “slapped, pushed or shoved” (22%; 21%) (NIPSCS, CDC, 2010). Note, these assaults overlap.
- 2. Frequent abuse is gender-specific.** Although women as well as men commit large numbers of partner assaults, 53% of the men arrested for domestic violence have >3 cases, whereas this is true of only 3% of women.
- 3. The vast majority (95%-98%) of abusive assaults are “minor” from a medical or criminal justice standpoint and involve pushes, shoves, kicks, punches, hair-pulling and the like. This is true even in the**

highest risk caseloads. If you wait for injury to identify, intervene or apply sanctions, you miss 95%-98% of abuse cases.

4. Abuse continues in relationships, on average, for 5.5-7.2 years.

CONCLUSION I.

Violence in a typical case of abuse is repeated or ongoing rather than episodic. The significance of partner violence derives from its frequency, duration and cumulative effects as well as its severity.

CONCLUSION II.

Interventions focused on discrete assaults (rather than course of conduct) miss the significance of abuse in the vast majority of cases, fragment and trivialize the reality of partner violence for women and children and do a serious disservice to our community.

As researchers began to “look beyond violence” to the actual tactics used to harm partners, the following also became clear:

5. In approximately 20% of cases, abuse is limited to physical and emotional abuse. In 60% to 80% of cases, partner abuse includes some combination of physical violence, sexual violence and coercion,

stalking and other forms of intimidation, isolation and control. This is the **pattern of coercive control.**

6. **Coercive control is a strategic course of oppressive behavior in which some combination of physical and sexual violence, intimidation, isolation and control are used to dominate, exploit and/or subjugate a partner and deprive them of basic rights and liberties.** The Istanbul Convention (approved by the 48 member Council of Europe in 2011) recognizes coercive control as a form of discrimination (because of its links to sexual inequality) and as a violation of human rights. The U.S. is one of the only countries that fails to recognize abuse as a course of conduct and to impose enhanced penalties when it takes this form.
7. **The violence in CC typically consists of repeated, frequent or routine but low-level assaults.**
8. **Between 43% and 55% of abused women are also sexually assaulted by their partner. Like the physical assaults, the sexual assaults in these cases are often repeated.**
9. Partner rapes are one end of a **continuum of sexual coercion that includes sexual inspection, forced pregnancies and abortions and 'rape as routine,' where partners regularly consent because of fear.**
10. **Partners are the largest and most dangerous population of stalkers; 28% of women in the general population who are physically abused are**

also stalked (and much higher proportions in the service population) and stalking begins while the relationship is intact in 57% of cases.

11. Isolation tactics cut women off from the sources of support, help and comfort from which they derive their sense of purpose and identity, including friends, family, co-workers and professionals.

12. Control tactics include attempts to deprive women of basic resources, exploit their resources and regulate everything they do, including how they perform acts of daily living (dress, toileting, cooking, cleaning, access to children and so on.). High proportions of battered women in the general population report being made to account for their time (25%), not being able to leave the house (15%), drive a car, go to work or call friends or family (18%), etc. and the proportions of the service population are much higher. 9.1% of abused women in the general population are not allowed any money while 54% of the men arrested for DV in Mass. have taken their partner's money.

13. The level of control in a relationship predicts post-separation physical and sexual violence as well as the risk of homicide.

Some of the oppressive tactics used in coercive control are illegal. But many are not, including those, like economic abuse, sexual coercion, inspection, monitoring time and movement, stalking-in-the relationship, etc. that can be most devastating. Moreover, while many of the tactics, taken alone, may not rise to the

level of abuse (e.g. making rules for how someone dresses or spends their money), in combination they contribute to the pattern of coercive control.

CONCLUSION III. Coercive control not only violates women's rights to physical safety/integrity, but also their basic rights to autonomy, dignity and liberty.

CONCLUSION III. To encompass partner abuse and women and children (primarily) experience it, criminal and family law should expand the definition of domestic violence to include coercive control and, on the criminal side, recognize that the course of oppressive conduct subsumed under coercive control merits criminal sanctions on a par with other capture crimes such as kidnapping, hostage-taking or indentured servitude.

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