



CRIMINALIZING COERCIVE CONTROL IN INTIMATE RELATIONSHIPS: RECOGNISING PSYCHOLOGICAL ABUSE AS A CRIME

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ABSTRACT

Coercive control, a form of psychological abuse within domestic relationships, is being increasingly recognised as a pervasive and profoundly damaging form of domestic violence that extends beyond physical harm. Unlike visible physical violence, coercive control operates through subtle, sustained patterns of behaviour designed to dominate, isolate, and overpower a partner by undermining their autonomy, freedom, and sense of being oneself. These behaviours include manipulation, intimidation, surveillance, financial control, emotional abuse, and lack of basic freedom, which collectively create an environment of fear, abuse and dependency. Despite its severe impact on victims' mental health, well-being, and safety, coercive control is historically overlooked or inadequately addressed by legal systems every single time, whose primary focus is on physical violence. This article critically examines the reasons for criminalising coercive control, highlighting the urgent need for legal frameworks to recognise psychological abuse as a distinct and prosecutable crime explicitly. It explores the complexities involved in defining and proving coercive control, the challenges faced by law enforcement and judicial systems, and the potential risks of misapplication. Drawing on interdisciplinary research from psychology, criminology, and law, as well as comparative analysis of jurisdictions that have enacted coercive control legislation, this study underlines the importance of comprehensive legislative reforms. These reforms should be accompanied by specialised training for legal professionals, victim-centred support services, and public awareness campaigns to ensure effective implementation. Ultimately, criminalising coercive control is not only essential for protecting victims and offenders being convicted but also for advancing societal recognition of the multifaceted nature of intimate partner abuse and promoting safer, more equitable relationships.

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INTRODUCTION

Domestic violence has traditionally been understood mainly as physical violence—things like hitting, assault, or other bodily harm one partner inflicts on the other. This focus on physical abuse has influenced how laws are written, how police respond, and how society views intimate partner violence (IPV). But over the years, people have come to realise that domestic violence is much broader. It includes psychological and emotional abuse, which can be just as harmful, if not more so, than physical violence. One important concept that has gained attention is coercive control, which describes a pattern where one partner systematically dominates and controls the other.

Coercive control involves non-physical tactics such as manipulation, intimidation, cutting the victim off from friends and family, controlling money, constant monitoring, and making threats. These actions aim to take away the victim's independence, freedom, and sense of self, creating a climate of fear and submission—even if no physical violence happens. Unlike clear acts of physical assault, coercive control is often subtle, builds up over time, and is hard for outsiders to see. This makes it tough to address with traditional laws that focus on visible, physical harm.

The psychological damage caused by coercive control is deep and complex. Victims often suffer from anxiety, depression, post-traumatic stress disorder, and a strong feeling of helplessness. Losing control over their own lives and being isolated socially can have long-lasting effects on their mental health, affecting not just them but also their families and communities. Despite this, many legal systems have been slow to treat coercive control as a separate crime that deserves punishment.

This paper argues that coercive control should be criminalised as its own offence within intimate relationships. It examines what coercive control entails, the challenges in defining and proving it in court, and provides examples from jurisdictions that have already enacted laws against it. By pointing out the gaps in current domestic violence laws and the need for better reforms, this study calls for legal changes that truly reflect what victims go through and offer stronger protection against all kinds of abuse in intimate relationships.

CONCEPTUALIZING COERCIVE CONTROL

Definition and Features: Coercive control is a purposeful and ongoing way that an abuser uses to dominate and manipulate their partner, relying on psychological and emotional tactics instead of obvious physical violence. According to Stark (2007), it includes strategies like intimidation, cutting the victim off from others, manipulation, and taking away their freedom to make choices. This type of abuse isn't about one-time events but about a constant, all-encompassing pattern aimed at breaking down the victim's independence and ability to control their own life.

Key features of coercive control include:

Intentionality by the Abuser: The abusive behaviours are purposeful and calculated, aimed at exerting control over the victim's daily life, decisions, and social interactions. The abuser's goal is to dominate the victim psychologically and emotionally, often by creating an environment of fear and dependency.

Victim's Perception of Harm: Central to the concept of coercive control is the victim's experience and perception of the behaviour as harmful and oppressive. Unlike physical violence, which often leaves visible marks, coercive control's impact is psychological and subjective, making the victim's testimony and lived experience crucial in understanding the abuse.

Use of Credible Threats: Coercive control often involves threats—sometimes clearly stated, other times implied—that serve to maintain the abuser's power over the victim. These threats can take many forms, such as the promise of physical harm, the risk of financial hardship, or the fear of being cut off from friends and family. The constant pressure and fear make it incredibly difficult for the victim to resist or break free, as they feel trapped and compelled to follow the abuser's demands just to stay safe.

Isolation and Surveillance: Abusers often try to cut victims off from their friends, family, and anyone who might offer support. This isolation makes the victim feel more alone and dependent on the abuser. On top of that, abusers may keep a close watch on the victim's phone calls, messages, or even where they go, making it harder for the victim to have any privacy or freedom. This constant monitoring chips away at the victim's sense of independence and control over their own life.

Control Over Resources: Financial control is a common way abusers keep their victims trapped. By limiting access to money, controlling whether the victim can work, or restricting other resources, the abuser makes it incredibly hard for the victim to leave or get help. Without financial independence, the victim may feel stuck, unsure of how they could support themselves or start over on their own. This kind of control creates a powerful barrier that keeps the victim tied to the abuser.

Deprivation of Autonomy: The abuser slowly chips away at the victim's confidence and freedom by taking over even the smallest decisions, like what to wear or eat, and extending that control to bigger life choices. Over time, this constant interference makes the victim feel like they can't trust their own judgment or make decisions for themselves. It's as if their sense of independence is being taken away piece by piece, leaving them feeling powerless and controlled.

Distinction from Physical Violence: Coercive control is a strategic pattern of behaviour aimed at dominating a partner through psychological means such as intimidation, isolation, manipulation, and deprivation of autonomy.¹

Key features include:

- Intentionality by the abuser.
- Victim's perception of the behaviour as harmful.
- Use of credible threats to maintain control.²

Unlike discrete acts of physical violence, coercive control is ongoing and cumulative, often invisible but deeply damaging.³

PSYCHOLOGICAL ABUSE AS A FORM OF IPV

Nature of Psychological Abuse: Psychological abuse, also referred to as emotional or mental abuse, encompasses a range of behaviours that systematically undermine an individual's mental well-being, self-esteem, and sense of autonomy. Unlike physical abuse, which leaves

¹ Stark, E. (2007). *Coercive Control: How Men Entrap Women in Personal Life*. Oxford University Press.

² Hamberger, L. K., Larsen, S. E., & Lehrner, A. (2017). Defining Coercive Control. *Journal of Interpersonal Violence*.

³ Walklate, S., & Fitz-Gibbon, K. (2019). The Criminalisation of Coercive Control: The Power of Law? *International Journal for Crime, Justice and Social Democracy*, 8(4), 94-108.

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visible marks, psychological abuse inflicts harm through non-physical means, often making it less visible but equally damaging. It is characterised by patterns of behaviour intended to control, manipulate, intimidate, or belittle the victim, leading to long-lasting emotional and psychological consequences.

Key behaviours that constitute psychological abuse include:

Verbal Degradation: This is when someone uses really mean and hurtful words to make another person feel bad about themselves. It includes things like name-calling, always criticising, making fun of someone, and saying rude stuff. If it keeps happening, it can seriously damage the person's confidence and make them feel worthless and full of doubt about themselves.

Gaslighting: Gaslighting is a really sneaky kind of psychological abuse where the abuser messes with the victim's mind, making them question what they remember or even if they're crazy. The abuser might deny things that actually happened, change the facts, or blame the victim for stuff they didn't do. This just confuses the victim and makes them doubt themselves, which makes them rely even more on the abuser.

Intimidation: Psychological abuse often uses threats, pressure, or showing off power to scare someone and make them do what the abuser wants. Sometimes it's obvious, like threatening to hurt or punish someone, but other times it's more low-key, like giving scary looks or trying to control everything they do. This fear makes the victim feel trapped and stops them from standing up for themselves or getting help.⁴

IMPACT ON VICTIMS

Coercive control has profound impacts on victims that extend beyond immediate physical harm. Victims often experience significant psychological consequences such as anxiety, depression, and post-traumatic stress disorder (PTSD). These mental health challenges result from the systematic undermining of a victim's sense of safety, autonomy, and self-worth, creating a pervasive atmosphere of fear and helplessness.

⁴ Reeves, E. (2023). *Incredible Women: Legal Systems Abuse, Coercive Control*. PMC. [Incredible Women: Legal Systems Abuse, Coercive Control, and the Credibility of Victim-Survivors - PMC](#)

Social isolation is a common outcome, as perpetrators frequently manipulate victims to sever ties with friends, family, and support networks. This isolation increases vulnerability and dependence on the abuser, often leading to economic dependence where access to financial resources or employment opportunities is restricted due to controlling behaviours.

Kids who grow up around coercive control can have a really hard time developing normally. They might struggle with their emotions and thinking skills, have trouble making good relationships, and act out a lot. Living in a stressful and unstable environment where someone is always controlling can mess up how they grow and affect their well-being for a long time.

Understanding these multifaceted impacts is crucial for the effective criminalisation of coercive control. The harm caused to victims encompasses psychological, social, and economic dimensions, highlighting the need for targeted legal and social interventions.⁵

LEGAL RECOGNITION OF COERCIVE CONTROL

International Developments in Legal Recognition of Coercive Control: Places like England and Wales, Scotland, and some parts of Australia have made laws that make coercive control a crime. For example, the UK has the Serious Crime Act 2015 that deals with this kind of abuse.

These laws recognise controlling and coercive behaviours as criminal offences even in the absence of physical violence. The legislation reflects a shift towards understanding domestic abuse as encompassing psychological, emotional, and controlling behaviours that restrict a victim's autonomy and freedom. Criminalisation of coercive control allows for earlier legal intervention and protects by addressing ongoing patterns of manipulation and domination. Legal frameworks enable prosecution based on evidence of controlling behaviours alone, closing previous gaps where physical violence was required for legal action. The international trend highlights the importance of comprehensive legal responses that consider psychological, social, and economic aspects of abuse. This approach supports more effective prevention,

⁵ Walklate, S., & Fitz-Gibbon, K. (2019). The Criminalisation of Coercive Control: The Power of Law? *International Journal for Crime, Justice and Social Democracy*, 8(4), 94-108.
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victim support, and offender accountability by recognising the complex nature of coercive control beyond physical harm.⁶

Legal Challenges in Addressing Coercive Control: Psychological abuse, being intangible and invisible, complicates the collection and presentation of evidence, making it difficult to meet traditional evidentiary standards in court. The necessity of due process safeguards is emphasised to prevent potential misuse of coercive control laws, ensuring that defendants' rights are protected throughout legal proceedings. The case of Teresa Craig illustrates complexities where coercive control is considered in the context of self-defence, highlighting the difficulties courts face in balancing protection for victims with fair treatment of accused individuals. Legal frameworks must carefully navigate these challenges to avoid wrongful convictions while effectively addressing the nuanced nature of coercive control.⁷

THE ROLE OF THE CRIMINAL JUSTICE SYSTEM

Prosecution and Protection: The legal system has ways to help victims, like protection orders that keep abusers away and stop them from hurting the victim again. They also have ways to take abusers to court and punish them for coercive control.

There are still a lot of problems when it comes to prosecuting coercive control. Many victims don't want to report the abuse because they're scared, emotionally attached to the abuser, or don't know about the legal help they can get. Also, the criminal justice system doesn't always have enough resources, like proper training for police and judges, which makes it hard to enforce the laws properly. Plus, coercive control is tricky because it usually doesn't leave physical proof, so it's harder to prove in court and protect victims fully.

These limitations highlight the need for enhanced support services, increased awareness, and specialised training to improve both victim protection and offender accountability within the criminal justice framework.⁸

⁶ Gill, C. (2020). *Research Paper on Coercive Control*. Government of Canada.

<https://www.canada.ca/content/dam/ofovcofvac/documents/research/en/Research%20Paper%20on%20Coercive%20Control%20-%20April%202020.pdf>

⁷ Sheehy, E. (2018). *Coercive Control as Self-Defence: The Case of Teresa Craig*.

⁸ Cross, C. K. (n.d.). *Coercive Control and the Limits of Criminal Law*. UC Davis Law Review.

https://lawreview.law.ucdavis.edu/sites/g/files/dgvnsk15026/files/media/documents/56-1_Cross.pdf

Expert Testimony and Defence: The case of Teresa Craig in Canada demonstrates the role of expert testimony in explaining coercive control dynamics to the court, providing critical context for understanding the defendant's actions.

Expert evidence helps to illuminate the psychological and emotional impact of coercive control, which may not be readily apparent through traditional legal frameworks focused on physical violence. The use of expert testimony reveals both the potential benefits and limitations within the current legal system, as courts grapple with integrating complex psychological concepts into legal standards.

Challenges include varying levels of judicial understanding and acceptance of coercive control as a legitimate factor in self-defence claims or other legal defences. This case underscores the importance of expert input in bridging gaps between legal processes and the lived realities of coercive control victims, while also highlighting the need for further development in legal approaches to such abuse.⁹

CASE STUDIES

England and Wales: England and Wales were among the first jurisdictions to explicitly criminalise coercive control through the enactment of the Serious Crime Act 2015. This legislation introduced the offence of "controlling or coercive behaviour in an intimate or family relationship," marking a pioneering step in recognising psychological abuse as a distinct and prosecutable crime. The law targets patterns of behaviour that have a "serious effect" on the victim, defined as causing them to fear violence on at least two occasions or causing serious alarm or distress that has a substantial adverse effect on their day-to-day activities.

The introduction of this offence was a response to growing awareness that traditional domestic violence laws, which focused primarily on physical violence, failed to capture the full scope of abuse experienced by many victims. The legislation acknowledges that coercive control can be as damaging as physical violence, if not more so, due to its pervasive and ongoing nature.

Implementation of the law has faced challenges, including difficulties in gathering sufficient evidence to prove patterns of behaviour and ensuring that law enforcement and judicial personnel are adequately trained to recognise and respond to coercive control. Nevertheless,

⁹ Sheehy, E. (2018). *Coercive Control as Self-Defence: The Case of Teresa Craig*.

the Serious Crime Act 2015 represents a significant advancement in legal protections for victims and has influenced other jurisdictions to consider similar reforms.¹⁰

Scotland: Scotland has taken progressive steps toward criminalising coercive control, with proposed legislation that emphasises both victim safety and offender accountability. The Scottish Government has recognised the need to address coercive control as a standalone offence within its domestic abuse framework, reflecting an evolving understanding of intimate partner violence that extends beyond physical harm.

The proposed legislation aims to provide clear definitions of coercive control and establish legal mechanisms that enable victims to seek protection and justice. It also focuses on ensuring that offenders are held accountable for patterns of abusive behaviour that undermine victims' autonomy and well-being.

Scotland's approach highlights the importance of integrating legal reforms with comprehensive support services for victims, including access to counselling, housing, and financial assistance. The legislative proposals also underscore the need for training and awareness-raising among police, prosecutors, and the judiciary to effectively implement the law and safeguard victims.¹¹

Australia: In Australia, several states and territories have incorporated coercive control into their domestic violence laws, reflecting a growing recognition of psychological abuse as a critical component of intimate partner violence. The approach varies across jurisdictions, with some states enacting specific offences related to coercive control, while others have broadened existing domestic violence legislation to encompass controlling and coercive behaviours.

Australian reforms emphasise prevention and victim support, aiming to provide a holistic response that includes legal remedies, safety planning, and access to specialised services. The inclusion of coercive control in domestic violence laws has facilitated earlier intervention and increased awareness among law enforcement and service providers.

However, challenges remain in standardising definitions and enforcement practices across the country, as well as ensuring that victims from diverse cultural and socioeconomic backgrounds

¹⁰ Walklate, S., & Fitz-Gibbon, K. (2019). The Criminalisation of Coercive Control: The Power of Law? *International Journal for Crime, Justice and Social Democracy*, 8(4), 94-108.

<https://10.5204/ijcjsd.v8i4.1205>

¹¹ Gill, C. (2020). Research Paper on Coercive Control. *Government of Canada*

<https://www.canada.ca/content/dam/ofovc-ofvac/documents/research/en/Research%20Paper%20on%20Coercive%20Control%20-%20April%2020.pdf>

receive appropriate support. Ongoing research and evaluation by institutions such as the Australian Institute of Family Studies (AIFS) continue to inform policy development and best practices in addressing coercive control.¹²

CHALLENGES AND CRITIQUES

‘Coercive Control Creep’: One significant challenge in criminalising coercive control is the risk of "gradual coercive control, a term used to describe the potential over-expansion or misapplication of legal definitions. As laws broaden to encompass a wide range of controlling behaviours, there is concern that the threshold for criminality may become too low, leading to excessive criminalisation of behaviours that may be part of normal relationship dynamics or misunderstandings rather than abuse. This could result in the criminal justice system being overwhelmed with cases that do not warrant prosecution, thereby diluting resources and potentially undermining the credibility of genuine claims of abuse.¹³

Also, if the definitions are too broad, they might end up making normal behaviours that are part of some cultures or situations seem like crimes. This can cause problems with fairness and how the law is applied. This kind of “creep” can take focus away from the really serious cases of coercive control and make police and judges doubt the laws, which can end up hurting the victims who actually need help.

Balancing Autonomy and Protection: Distinguishing between coercive control and normal relationship dynamics presents a complex challenge. Relationships naturally involve negotiation, influence, and sometimes conflict, which can be mistaken for controlling behaviour if legal definitions are not carefully calibrated. Renzetti (1992)¹⁴ highlights the difficulty in drawing clear boundaries between acceptable interpersonal influence and abusive control, emphasising the need for a nuanced understanding to avoid pathologising ordinary relationship behaviours.

This challenge is compounded by the subjective nature of psychological abuse, where victims' perceptions and experiences are central but may vary widely. Legal systems must balance

¹² Australian Institute of Family Studies (AIFS). (2020). Coercive Control Literature Review.

<https://aifs.gov.au/research/research-reports/coercive-control-literature-review>

¹³ Walklate, S., & Fitz-Gibbon, K. (2019). The Criminalisation of Coercive Control: The Power of Law? *International Journal for Crime, Justice and Social Democracy*, 8(4), 94-108.

<https://10.5204/ijcjsd.v8i4.1205>

¹⁴ Renzetti, C. M. (1992). *Violent Betrayal: Partner Abuse in Lesbian Relationships*. Sage Publications.

protecting victims from harm while respecting individual autonomy and avoiding undue interference in private relationships.

Evidential Challenges: Proving coercive control in court is tough due to the intangible and cumulative nature of the abuse. It relies on behaviour patterns that might not be documented or witnessed. Victims might struggle to articulate experiences, and perpetrators may deny/minimize actions.¹⁵

The reliance on victim testimony and circumstantial evidence puts a heavy burden on the legal system to develop proof standards and investigative techniques. Without proper training/resources, law enforcement and prosecutors might fail to recognise or prosecute coercive control cases effectively.

Risk of Misuse and False Allegations: Another concern is the potential misuse of coercive control laws, including false or malicious allegations. Critics argue that the subjective nature of psychological abuse could be exploited in contentious situations such as custody disputes or interpersonal conflicts, leading to unjust outcomes. Safeguards must be implemented to ensure due process and protect the rights of the accused while maintaining victim safety.

Cultural and Socioeconomic Considerations: Coercive control manifests differently across cultural, social, and economic contexts, posing challenges for universal legal definitions and interventions. Some behaviours considered controlling in one culture may be normative in another, requiring culturally sensitive approaches to identification and prosecution.¹⁶ Additionally, victims from marginalised communities may face barriers to reporting abuse or accessing support, necessitating tailored responses that address intersectional vulnerabilities.

Resource and Training Limitations: Effective implementation of coercive control laws demands significant investment in training for police, judiciary, and social service providers to recognise and respond appropriately to psychological abuse. Many jurisdictions face resource constraints that limit their capacity to provide specialised services, conduct thorough

¹⁵ Sheley, E. (2021). Criminalizing Coercive Control Within the Limits of Due Process. *Duke Law Journal*. <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4065&context=dlj>

¹⁶ Gill, C. (2020). Research Paper on Coercive Control. *Government of Canada*. <https://www.canada.ca/content/dam/ofovc-ofvac/documents/research/en/Research%20Paper%20on%20Coercive%20Control%20-%20April%202020.pdf>

investigations, or offer comprehensive victim support.¹⁷ Without adequate infrastructure, legal reforms risk being symbolic rather than transformative.

POLICY RECOMMENDATIONS

Clear Statutory Definitions: One of the most important steps to making coercive control a crime is having clear and exact legal definitions. The laws need to clearly explain what counts as coercive control, what kinds of behaviours are included, the situations they happen in, and when someone can be held responsible. Having clear definitions helps police, lawyers, and judges understand and deal with coercive control better, so there's less confusion and mistakes. It also protects the rights of both victims and people accused by making the rules clear and stopping the law from being used unfairly. The Australian Institute of Family Studies (AIFS, 2020) says that having well-written legal definitions is really important to make sure coercive control laws work well and are fair, giving a strong base for protecting victims and enforcing the law.

Training and Awareness: If laws against coercive control are going to work properly, then everyone who deals with these cases, like police officers, lawyers, judges, and even social workers, needs the right kind of training. They should understand what psychological abuse looks like, how to spot signs of coercive control, and how to handle investigations and court cases in the right way. It's also important for them to know why victims might not speak up right away or why they sometimes change their statements, because these things are often connected to trauma. If this training doesn't happen, then cases can easily be misunderstood or even ignored, which would completely defeat the purpose of having such laws in the first place.

Victim-Centred Approaches: When dealing with cases of coercive control, the legal system should always put the safety, dignity, and well-being of victims first. This means keeping their information private, making sure they don't have to relive their trauma again and again during investigations or in court, and giving them access to things like counselling, legal help, and safe places to stay. A victim-centred approach understands that coercive control is about power and imbalance, so the goal should be to give survivors back their confidence and independence by treating them with respect and care. According to AIFS (2020), keeping victims safe should

¹⁷ Australian Institute of Family Studies (AIFS). (2020). Coercive Control Literature Review. <https://aifs.gov.au/research/research-reports/coercive-control-literature-review>

be the top priority at every stage from when they first report abuse to the final court decision so that more people feel encouraged to come forward and justice can actually be achieved.

Interdisciplinary Collaboration: To deal with coercive control properly, different sectors need to work together like the legal system, healthcare, social services, and community groups. When they collaborate, victims can get full support for their needs, whether that's mental health care, financial help, or protection from further abuse. Working as a team also makes it easier to share information, do joint training, and provide services in a more connected way. This kind of teamwork gives victims better chances of recovery and increases the chances of stopping the abuse for good. AIFS (2020) points out that if everyone works separately, it's not enough to handle something as complicated as coercive control real cooperation is necessary to give survivors lasting and complete support.

Research and Evaluation: It's really important to keep doing research and checking how well coercive control laws are actually working. Studies can show us how these laws are used in real life, what problems stop them from being enforced, and how they affect both victims and perpetrators. Research can also help improve how the law is written, make training programs better, and figure out the best ways to support victims. The Australian Institute of Family Studies (2020) says that governments should keep investing in this kind of research so that the laws don't just look good on paper but actually give real protection and justice. Plus, ongoing research helps update policies as society changes and new challenges come up.

CONCLUSION

Making coercive control a crime is an important step because it recognises that psychological abuse and manipulation can be just as harmful as physical violence. But laws alone aren't enough — society also needs to change. People must understand that controlling behaviours are serious violations of human rights, not something normal or acceptable. For the law to work, police, judges, and social workers need proper training to respond sensitively. More research is also needed to understand how coercive control affects different groups, and clearer legal definitions are required to avoid confusion or misuse. In short, criminalising coercive control is a big step forward, but it must go hand in hand with awareness, research, and cultural change to truly protect victims and end domestic abuse.