

***COERCIVE CONTROL AND THE CRIMINAL LAW* BY CASSANDRA WIENER
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Over recent decades, there has been a global shift toward recognising coercive control in legal contexts. Cassandra Wiener's 2022 book *Coercive Control and the Criminal Law* explores the criminalisation of coercive control across the jurisdictions of England, Wales, and Scotland.¹ Her analysis delves into the various political strategies used to address this issue and the associated implications for survivors, while highlighting opportunities for legislative reform. As emphasised by the author, 'it was important... that the survivor experience is upfront and central'.² Aimed at triggering reform, Wiener's research finding suggests that traditional criminal responses have had little success in prevention.³

It is clear that Wiener's work holds a significant place among studies on coercive control. Since coercive control is an offence of covert nature, obtaining prevalence data is challenging. This challenge is reflected in the literature and creates limitations for qualitative studies addressing the issue. Wiener, however, takes a different approach. Rather than relying on elusive governmental statistics, she explores the issue from the perspective of survivors.⁴ The importance of this book is further demonstrated by what she refers to as the 'movement and resistance' that led to section 76 of the *Serious Crime Act 2015*.⁵

Wiener takes the reader on a journey across jurisdictions. Central to her argument is that the lack of alternative criminal justice initiatives for combatting coercive control perpetuates a dangerous cycle for those who fall victim. With the system referred to as a 'revolving door', far too often perpetrators are allowed back into the community.⁶ A striking disparity is evident between arrests and convictions. The monograph criticised the original definition of abuse as overly restrictive, reducing it to mere physical abuse. In reframing this, she tracked the submission of a counter-definition to the Home Secretary in 2012, encompassing the scope,

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¹ Cassandra Wiener, *Coercive Control and the Criminal Law* (Routledge, 2022).

² Cassandra Wiener, 'Seeing What is 'Invisible in Plain Sight': Policing Coercive Control' (2017) 56(4) *The Howard Journal of Crime and Justice* 9, 11.

³ Wiener (n 1) 5.

⁴ Ibid preface xvi.

⁵ Ibid 8.

⁶ Ibid preface xiii.

duration, and consequences of this form of abuse.⁷ The success of this new definition gave rise to a second consultation in 2014, that contemplated rendering coercive control as its own exclusive offence.⁸ Wiener made a case against this consultation, highlighting it as an inadequate attempt to widen the scope of the abuse offence to encompass coercive control. Her advocacy, supported by other scholars, prompted the enactment of the *Domestic Abuse (Scotland) Act 2018*, as documented throughout the book.⁹ Not only has coercive control now been specified, this Act also shifted the focus of evidence onto the offender's intent. She strongly emphasises the Scottish approach and urges England and Wales to follow suit. The Scottish devolution of 1999 is a significant backdrop in this sociohistorical review, highlighting the importance of ongoing multi-sector collaboration required for a just system.¹⁰ Stark, in the preface of this book, cites Wiener's caveat, 'the State to which we turn for protection is a key source of the inequality and discrimination that underlie women's susceptibility to abuse in the first place'.¹¹ Reform remains a driving force in the equity agenda.

What sets Wiener's book apart from other works in the field is that she essentially provides a policy template that can be adopted globally. Through a literary lens, it can be said that there are significant definitional inconsistencies across various studies. These textual discrepancies create barriers for both researchers and policymakers. Wiener aims to amplify the voices of survivors, a focus often lacking in literary representations of coercive control, which tends to concentrate excessively on statistics. In the case of coercive control, this is particularly problematic because credible data are scarce. *Coercive Control and the Criminal Law* surpasses other scholarly literature on this topic, delving deeply into what truly works in practice. Evan Stark, the author of *Coercive Control: The Entrapment of Women in Personal Life* and other works, shares similar reasoning.¹² Both scholars favour Scotland's framework, which incorporates the elements of coercive control into a 'bespoke' offence. They agree that the issue is less about the wording of new legislation but more about prioritising coercive control as a 'liberty' crime.¹³ The principles of equality, autonomy and dignity of persons should be emphasised in policy.

A caveat to bear in mind when interpreting this book is its over-emphasis on women as the primary subject of coercive control.¹⁴ While it is statistically true that women are most at risk owing to structural inequalities that make them more vulnerable, male survivors also deserve acknowledgement. Coercive control does not discriminate; individuals of all genders, races, ethnicities, and backgrounds can experience this form of abuse. Deconstructing this gendered paradigm is crucial, as women can also be perpetrators.¹⁵ However, the under-reporting of coercive control from males poses challenges for inclusion in scholarly literature. In light of this, there should be a stronger push to adopt a gender-neutral framework that provides safeguards for everyone.¹⁶ Although the feminist theory that Wiener attests to has contributed significantly to the criminalisation of coercive control, it can inadvertently undermine the experiences of males.¹⁷ Stark elaborates on this point, stating that Wiener 'is also aware that involvement with the criminal justice system is not for all

⁷ Ibid.

⁸ Ibid.

⁹ *Domestic Abuse (Scotland) Act 2018*.

¹⁰ Wiener (n 1) 164-8.

¹¹ Ibid preface xiv.

¹² Evan Stark, *Coercive Control: How Men Entrap Women in Personal Life (Interpersonal Violence): The Entrapment of Women in Personal Life* (Oxford University Press, 2009).

¹³ Ibid 140.

¹⁴ Wiener (n 1) 164-8.

¹⁵ Stephanie Beckwith et al, *Coercive Control Literature Review* (Final Report, May 2023) 4-14.

¹⁶ Ibid.

¹⁷ Wiener (n 1).

women'.¹⁸ Immigrants, people of colour and those of a lower socio-economic status too interact with the criminal justice system.¹⁹ Therefore, there is a call for Wiener's coercive control template to account for men and minorities.

Now, more than ever, policy and legislative protections against coercive control are essential for upholding human rights globally. Cassandra Wiener's monograph provides a crucial opportunity for policymakers to take affirmative action against coercive control. This is no longer a crime that can be ignored as more and more people fall victim to this dangerous cycle of abuse.

¹⁸ Ibid preface.

¹⁹ Ibid.