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Coercive control as elder abuse in intergenerational family contexts

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A criminal offence of “coercive control”?

- Canadian amendment to Criminal Code proposed (Bill C-16)
- “Everyone commits an offence who engages in a pattern of coercive or controlling conduct referred to in subsection (2), with intent to cause an intimate partner to believe that the intimate partner’s safety is threatened or knowing that, or being reckless as to whether, the pattern of coercive or controlling conduct would cause their intimate partner to believe that the intimate partner’s safety is threatened”



The relationship criteria- rationale

- All jurisdictions with criminal offence include relationship + conduct criteria
- Relationship requirement reflects distinct nature of coercive control as a “capture crime” (like hostage-taking, cult exploitation) in which the relationship is the mechanism of capture
- Perpetrators leverage relationship dynamics as a means of exercising control while simultaneously masking exercise, for purpose of obtaining benefits
- Benefits include financial and psychological support, sexual/personal services, housing
- **Perpetrator dependence on victim** (for benefits) enforced through control
- Physical violence less likely unless/until victim attempts escape, assertion of autonomy

The relationship criteria- scope

- Numerous high profile cases of lethal violence in intimate partner contexts involving coercive control across jurisdictions
- The dynamics of intimate partner relationships enable, support coercive control
- Relationship dynamics between older/ younger family members- especially older parents/adult children (“filial coercive control”)- support/enable coercive control in ways similar to intimate partner relationships
- Parent-child relationship provides a pre-existing mechanism or vehicle for “capture” and control (through intimidation, shame, entrapment) for adult child seeking to use relationship for that purpose
- Benefits obtained through control of older parent= housing, money, services more broadly, psychological and emotional benefit, in some cases sexual exploitation

Lethality and suffering

- Parents much less likely to “leave (i.e. cut off adult child); more likely to excuse; more shame that own child mistreats them (reflection on parenting)
- “Leaving” here entails leaving one’s own home (often perpetrator’s goal, with expectation of securing residence)
- “Trigger” for lethality less likely to be pulled (perhaps excluding suicide); relationship more entrenched
- Victim health issues may bring outside intervention, force end to coercive control (counter-intuitively < victim autonomy)
- Suffering caused by coercive control elder abuse may be extreme, despite relative > of lethality connection

Why new offence?

- “Elder abuse” as broad category has long faced problems of definition that would enable public response
- Coercive control explains, captures, enables response (within the broad category of elder abuse behaviours) to a specific form of behaviour and harm-material exploitation through the use of coercion and control in intergenerational family relationships (without waiting for health-compelled intervention)
- Conceptual framework of coercive control explains why “she would tell him to leave if she didn’t like it” note realistic, and pretending it is does not respect autonomy but actively support circumstances *precluding* autonomous practice

“whether their dependence on their [victim] is primarily material, sexual, or emotional, there is no greater challenge in the field than getting [perpetrators] to exit from abusive relationships” Evan Stark
Coercive Control: How Men Entrap Women in Personal Life



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