

The State as Abuser: Coercive Control in the Colony

Joint Submission from Sisters Inside and the Institute for Collaborative Race Research on Discussion Paper 1 of the Women's Safety and Justice Taskforce



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Introduction

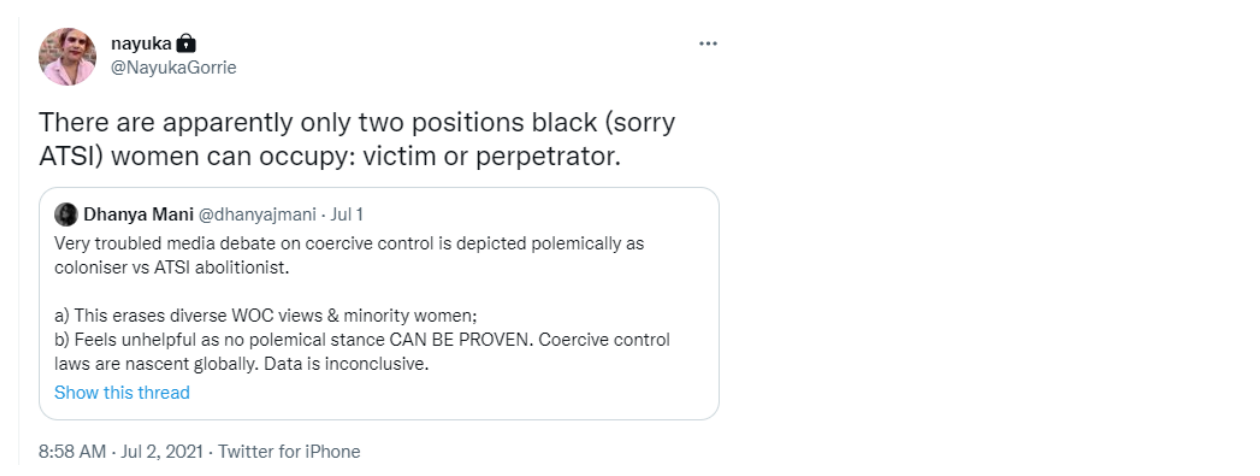
Established in 1992, **Sisters Inside** is an independent community organisation based in Queensland, which advocates for the collective human rights of women and girls in prison, and their families, and provides services to address their individual needs. Sisters Inside believes that no one is better than anyone else. People are neither “good” nor “bad” but rather, one’s environment and life circumstances play a major role in behaviour. Given complex factors lead to women and girls’ entering and returning to prison, Sisters Inside believes that improved opportunities can lead to a major transformation in criminalised women’s lives. Criminalisation is usually the outcome of repeated and intergenerational experiences of violence, poverty, homelessness, child removal and unemployment, resulting in complex health issues and substance use. First Nations women and girls are massively over-represented in prison due to the racism at the foundation of systems of social control.

The **Institute for Collaborative Race Research** is an independent organisation, not tied to the institutional interests of any university, association, or academic discipline. Their primary purpose is to support antiracist, anticolonial intellectual scholarship which directly serves Indigenous and racialised communities. ICRR seeks to create deeper engagement with crucial political questions in an institutional context not dominated by whiteness. Its members are invested in activist, community-based scholarship and communication on race, colonialism, and justice. ICRR provides specialised additional support for those engaged in disruptive interdisciplinary research, sustaining a network of established scholars, early career researchers, students, activists and community members who collaborate in the interests of justice.

We provide to the Women’s Safety and Justice Taskforce this joint submission which responds to the **Discussion Paper 1 ‘Should domestic violence be a stand-alone criminal offence? And how best could Queensland legislate against coercive control’**.

Our joint submission contends that the state itself is a perpetrator of coercive control against all but the most privileged of white women. In relation to Aboriginal and Torres Strait Islander peoples, *the state is the primary perpetrator of coercive control*. This Discussion Paper further enacts such systematic abuse by refusing to hear sovereign Aboriginal and Torres Strait Islander women, non-binary people and girls them when they speak this truth – it offers only intensified state authority over their lives.

Central to our concerns is that this Taskforce and the wider coercive control debate positions Indigenous people in only two ways – as victims or as perpetrators (also referred to as accused persons).



This means the Taskforce refuses to hear them – by definition victims are powerless and require saving, while perpetrators are morally illegitimate and require control. In this Paper and the broader process, the state and white feminists presume to speak for these ‘victims’ and about these ‘perpetrators’.



nayuka 
@NayukaGorrie

...

Replying to @NayukaGorrie

In our refusal to be victims here we must surely be the perpetrators of violence for having the audacity to speak back to white women (who are very nice and mean well!!!)

9:00 AM · Jul 2, 2021 · Twitter for iPhone

16 Retweets 114 Likes

Instead, we acknowledge Aboriginal and Torres Strait Islander people as sovereign knowledge holders and centre them as the experts on their own experience of DSFV and the violence of the criminal legal system. In doing so we highlight how erasing their voices is an essential part of the state’s pattern of coercive control. This erasure is evidenced in the Taskforce’s own **Terms of Reference** in which Aboriginal and Torres Strait Islander peoples or agencies are not named explicitly as ‘a relevant advocacy group’ (See Appendix 1), and in the consultation process timeframes in which substantially less time has been afforded to respond to **Discussion Paper 2 – Women’s and Girls experience of the criminal justice system.**

We identify the **Discussion Paper 1’s** approach to coercive control as flawed in three ways.

Firstly, it can only see gendered, but not racial or heteronormative, violence, despite widespread evidence of this harm. It therefore gaslights those outside the unnamed but universalized category of white straight middle-class women. It assumes that gendered power dynamics shape interpersonal relationships but not policies, laws and institutions, and it erases the effects of racialised and heteronormative domination altogether.



nayuka 
@NayukaGorrie

...

The cis white woman’s body is the standard by which womanhood is measured against.

2:38 PM · Jul 3, 2021 · Twitter for iPhone

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Secondly, this means it cannot see that the state is a primary abuser of racialized communities – especially of Indigenous peoples in the context of ongoing colonialism. Instead, it acknowledges violence perpetrated by individual men but ignores the racial violence conducted by and through white patriarchal institutions like the police. The state is never cast as a violent actor in its own right and only ever framed as the solution to violence – the saviour of women, despite overwhelming evidence to the contrary.



Debbie Kilroy #FreeHer
@DebKilroy



....the assumption that the expansion of carceral control benefits & protects Aboriginal & Torres Strait Islander women is also a common feature of colonialism

Patriarchy cheer squad prop up colonialism by advocating criminalisation of coercive control

Finally, the Queensland government enacts this new legislation in the context of a pattern of wider racial violence, failing to consider how ‘inviting the police into the home during these moments may further disadvantage Aboriginal women by putting them on notice to child-protection services’ (Davis & Buxton-Namisnyk, 2021).

Recent changes to bail and youth related criminal legislation tighten the net around marginalized women, non-binary people and girls. The apparently benevolent coercive control agenda hides this disturbing pattern of intensifying carceral and racialised abuse. It also serves to legitimise intergenerational state service failures that keep women trapped in coercive relationships – the lack of appropriate funding for housing, community support, and social services means women subject to coercive control are further isolated. Instead of offering the means for these women to control their lives and leave violent relationships on their own terms, it further empowers police to determine these women’s futures.



Ashlee Donohue
@MissAshlee__



If [#coercivecontrol](#) law reform were around when I was in a [#domesticviolence](#) Relationship I would have been arrested at least a dozen times. When the police were called he would always be in such control of his behaviour where as me, not so much. Read my book. [#becauseilovehim](#)

With this clear agenda to criminalise coercive control despite the objections of sovereign Aboriginal and Torres Strait Islander people and others with lived experience of the criminal legal system, the net of state coercion more fully ensnares marginalized women in the name of their liberation.

Overview of Taskforce Discussion Paper

The Women's Safety and Justice Taskforce has three aims (p8). They are:

1. To examine coercive control
2. To review the need for a specific offence of 'commit domestic violence'
3. To examine the experience of women and girls across the criminal justice system

Discussion Paper 1 deals with the first two aims. We note with concern, as we did in our previous joint statement (Appendix 1), that consideration of the actual experience of women in the criminal legal system is deferred until *after* considering coercive control and specific legislative solutions.

We also strongly object to the unreasonable timeframe for feedback on Discussion Paper 2, which deals with the critical issue of women and girls' experiences of the criminal legal system. This second submission was due one week after the submissions for Discussion Paper 1, with only a four-week timeframe. Requests for extensions by Sisters Inside and ICRR had initially been refused. A one-week extension has since been granted, however this still offers very limited time to adequately capture the lived experiences of Aboriginal and Torres Strait Islander women.

Without this broader context, the Taskforce cannot fully understand the depth and nature of Indigenous, racialised, and criminalized women and non-binary people's critique of coercive control. This critique comes in the context of sharply rising incarceration rates for Indigenous women and girls (see below Section 2), overpolicing of marginalized communities, high rates of misidentification of victims as perpetrators, the ongoing historical role of Queensland police forces in enacting colonial and racial violence and a recent pattern of new Queensland legislation that will increase incarceration rates.

Our submission refuses to defer the question of the experience of Aboriginal and Torres Strait Islander women, non-binary people and girls in the criminal legal system. It is only by understanding the racial and colonial structures of this system that the dangers of coercive control legislation become clear. The reality is that, for all but the most privileged of women, the state acts as an abuser rather than a protector. Coercive control legislation will greatly increase this perpetrator's power to intervene in the lives of Aboriginal and Torres Strait Islander people and entangle them in carceral systems.

We note with deep concern the following points, made more fully in the submission below.

- The Discussion Paper misunderstands and therefore inappropriately deploys the Scottish model to legitimise its agenda. Scottish legislation has a non-exhaustive definition of abusive behaviour which has enabled 84% of those charged to be convicted in its first year of operation. However, the most common penalty was non-carceral diversionary programs. There are no signs that this diversionary approach will be included in the Queensland reforms, where all suggested penalties involve incarceration (p53-54). **A 'Scottish style' broad offence with high conviction rates and a 'Queensland style' pipeline to incarceration would be a catastrophe for racialised and over policed communities.**
- The Discussion Paper deploys Aboriginal and Torres Strait women's distressingly high rates of experiencing DSFV early on to legitimise its program (p8). Yet it does not mention the overwhelming racialized violence they experience at the hands of the state until page 44 – under the heading '*risks in legislating against coercive control*'. The deep racial violence of the

carceral system is reduced to a 'risk' to be mitigated during the extension of this system, rather than acknowledged as foundational.

- Coercive control is an especially pernicious form of abuse because it involves controlling another person's reality and understanding of what is happening to them. It is control based on the power of definition; in its subtlety and complexity coercive control can appear benign to the perpetrator themselves, and to outsiders. It gaslights victims that what is happening to them is acceptable, and routinely dismisses their own understandings of their experience of abuse. This is exactly what is happening in the coercive control debate itself (Appendix 2).
- Aboriginal and Torres Strait Islander women, non-binary people and girls must have the power to name and define this form of violence or else they are being abused through erasure of their experiences. Despite this attempt they continue to enact their sovereign right to speak on their own experiences and hold the state to account for its ongoing and intensifying racial violence.



Prof Sandy O'Sullivan (Wiradjuri, trans they/them) ✓
@sandyosullivan



If you're forming a national committee or developing national plans to tackle gendered violence, and you don't include people outside of the gender binary, you need to get into the bin of history.

This Discussion Paper notes that coercive control is enabled 'by the broader community's understanding of, and tolerance for, abuse of this kind' (p14). The Paper is right to say that this matrix of subtle abusive tactics has previously been normalised, and that it profoundly disempowers its victims. This is precisely why we reject the framing and conclusions of this Discussion Paper – especially its suggestion to enact legislation to criminalise coercive control and extend police powers. The criminalization of coercive control frames Aboriginal and Torres Strait Islander women, non-binary people and girls as voiceless victims/perpetrators, attempts to gaslight them regarding their own experiences of structural abuse, and extends the power of their primary abusers – the state itself.



nayook.
@ni_ruh



i know it crossed your mind but you know who's disproportionately affected by both overpolicing and coercive control? disabled blackfullas

9:28 AM · Jul 4, 2021 · Twitter for iPhone

26 Retweets 1 Quote Tweet 114 Likes



nayook. @ni_ruh · Jul 4



Replying to @ni_ruh

placing control into the hands of institutions and away from disabled blackfullas is always on the table. always. training and more institutional voices always redirects power away from the individual, creating abusive and dangerous dynamics. idc



25



Cin Webb @webbysweird · Jul 4



Replying to @ni_ruh

Yep and Blak Transgender women and Gender diverse folks. Also very much silenced in this discussion.



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1. Racism and coercive control

The Discussion paper notes that Aboriginal and Torres Strait Islander women are more likely to experience domestic and family violence, from a wider range of people, and are more likely to be seriously injured (p8). Yet it is not until page 44 – under the heading *'Risks in legislating against coercive control'* – that the Paper acknowledges that Aboriginal and Torres Strait Islander people are grossly over policed and hyper incarcerated. It states that they are “already over represented for offences relating to breaches of domestic violence orders” and “are more likely to be convicted of these offences” due to systemic racism. Therefore, violence against Indigenous women is used at the start of the report to legitimize the extension of the criminal legal system, while deep violence of this system itself is reduced to a ‘risk’ to be mitigated.

In this way, the impact of colonisation and racial violence (‘including the history of dispossession, cultural fragmentation and marginalisation’) is located ‘within Aboriginal communities’ rather than in the wider community. It is very noticeable that no consideration is given in the Discussion paper to the racial violence enabling legacies of colonialism that continue to inhere in legislation, policies, practices and attitudes of the State and its agents, which are reflected in land ownership, wealth distribution, health statistics, and arrest and incarceration rates. No consideration is given to the impact of colonialism in shaping the Queensland Police Service, who have played a key role in implementing racist, violent policies from their inception as an institution, and whose contemporary racist cultures and practices are well documented (including recently by Gorrie 2021; see also Porter).

Our primary concern in this submission is to highlight the racial violence authorised by the Paper’s identification of gender as a system of power while remaining blind to race, and consequently the way that the racist harms of the resulting proposals are framed as a side effect or unintended consequence rather than the direct result of choices made by the State and its agents (including the Taskforce). However, we must also note that this failure to understand and address gendered violence in an intersectional way has the effect of erasing other systems of power that authorise violence against many in our community, including many women and girls. As a result, the Discussion paper identifies people with disabilities, people from culturally and linguistically diverse communities, and people who are LGBTQIA+ alongside Aboriginal and Torres Strait Islander women as ‘particularly vulnerable’ to domestic and family violence (p12-13), but fails to identify how these vulnerabilities are created - including the implication of the State and its agents in these power dynamics. For example, homophobia and heteronormativity have shaped the way that women who are not heterosexual or who are in relationships that are not cis-heterosexual experience violence - from differences in applicable legal frameworks, access to family, social, and service-based support, and experiences of hostility and violence from police. This experience is barely discernable in the Discussion paper beyond ritualised mention of especial vulnerabilities in relevant sections, the 1998 amendments to belatedly include same-sex relationships in the Domestic and Family Violence Protection Act are not mentioned as key Queensland DFV law reforms, and the Discussion paper’s insistently binary and heteronormative framing mentioned continues to perpetuate this exclusion.

Consistently, the Discussion paper defaults to a gendered universalism which treats 'women' as an unproblematic and undifferentiated category. This has the effect of both centring and naturalising a white, temporarily able-bodied, heterosexual cisgendered norm. At the same time, it repeats and reinforces a range of colonial tropes positioning patriarchal white society and its institutions as the arbiters of civilised gender and sexual morality and identifying racialised groups as backward, in need of education or improvement (see for example p16; for resources on this see Stoler 1995; Watson 2005; Watson 2009). As such, it not only fails to acknowledge and address the social structures and systems that create the 'vulnerabilities' that it acknowledges are evident in statistically differentiated experiences of violence, but also actively reinforces them.

From the outset, the Discussion paper notes that the experience of those subject to coercive control 'is impacted by the broader community's understanding of, and tolerance for, abuse of this kind' (p14). However, no consideration is given anywhere in the report to the unequal distribution of the 'broader community's' sympathies, or of the way that abuse and violence of many kinds against women in some of the groups named above is not just tolerated but naturalised and in some cases actively promoted.

High profile cases of appalling violence directed against middle class white women have engaged public sympathies - and provoked recent political and media attention to questions of coercive control - yet similar experiences of appalling violence often pass unremarked and unmourned when Aboriginal and Torres Strait Islander women or other racialised women are the victims.



Ashlee Donohue
@MissAshlee_



We all seen how [#coercivecontrol](#) reforms can backfire for [#Aboriginal](#) women in [#seewhatyoumademedo](#) didn't we? Where police wouldn't listen to Tamika or her Father. We all watched what happened didn't we? When our women in [#DV](#) incidents are arrested & you still think it'll work?

Abusers routinely exercise coercive control by preventing their victims from mixing with their families and communities, controlling their access to financial and other resources, surveilling them and tracking their movements, threatening harm to loved ones, belittling them and speaking in abusive terms about their intelligence or other attributes; these are also common features of accepted treatment of Aboriginal people by Australian governments (through racially targeted overpolicing and extreme parole conditions, the imposition of the Indue/Basics card and other income quarantining measures and failure to recognise land rights, police violence and deaths in custody, child removals, stigmatising political discourse about Aboriginal people, families and communities). There is a continuum of abuse towards people from a number of racialised or marginalised groups - including practices resembling coercive control, including practices resembling coercive control exercised by governments - that is naturalised and deemed acceptable in the public sphere. Governments are thus not simply or technical neutral problem solvers who act benevolently to protect the interests of all citizens, but also directly implicated in creating the social and political conditions that enable high rates of violence against Aboriginal women and girls.

1.1 Centering Indigenous womens' voices

If the Taskforce seeks to identify proposals to address coercive control most likely to promote safety and justice for all women, it would be appropriate to begin with a thorough assessment of the expertise, interests, opinions and experiences of those most affected- or, in the words of the Discussion paper, those who are 'particularly vulnerable'.



Aboriginal and Torres Strait Islander women are 35 times more likely to experience domestic and family violence compared to non-Indigenous women (Mitchell 2011), and are 31 times more likely to be hospitalised for assaults inflicted within a domestic and family violence setting than other women (SCRGSP 2011). However, despite this, relevant public and policy debate - including that surrounding the constitution of the Taskforce and the treatment of coercive control in the Discussion paper - has not centered Aboriginal women's perspectives and concerns. Our recent article in the Conversation (Watego et al 2021, Appendix 2) noted that Aboriginal women's experiences of violence are often harvested for illustrations of trauma when middle class white women advocate for expansions of police powers, while their voices are dismissed and their advocacy, expertise, opinions and interests overlooked or treated as culturally and racially exceptional. In fact, the expectation that the police operate as a protective force rather than a threat or source of violence reflects the particular interests and experiences of middle-class white people.

It is particularly telling that the Discussion paper should note - in different sections - that Aboriginal and Torres Strait Islander women are simultaneously most at risk of experiencing serious harm from the violence the Taskforce seeks to address, but also most at risk of harm from the options canvassed and solutions proposed. We are disappointed and angry, but not surprised, that there is no apparent evidence this has prompted significant or substantive reflection on the framing of the issues outlined in the Discussion paper or on the proposals outlined for consideration. Aboriginal and Torres Strait Islander women's experiences have again been conscripted to serve arguments about the statistical prevalence of violence against women, while being simultaneously erased from the policy narrative and systematically refused consideration.

2. The state as perpetrator of violence against Indigenous women

Any expansion of police powers or criminalisation of coercive control will result in serious harms to Aboriginal and Torres Strait Islander women. The Discussion paper devotes fewer than five of its 89 pages to considering the risks of criminalising coercive control, and in that brief section identifies a number of significant issues of concern relating to what it calls ‘overcriminalisation’, ‘misidentification’, and ‘over-representation of Aboriginal and Torres Strait Islander people’ in the criminal punishment system. As Goodmark (2018) notes, expanding criminalisation and the violence of policing demonstrably does not decrease or prevent intimate partner violence, has serious impacts on victims, and allows policymakers to avoid confronting and addressing the underlying issues that drive and enable violence.

Police powers and resourcing have continued to expand in Queensland in recent months, capping a trend that has been evident for two decades. This expansion has been accompanied by a rapid escalation in the rates of incarceration of Aboriginal people, including women and girls. Proposals to criminalise coercive control create an offense based on a vague and extremely wide range of behaviours, which would give police extensive additional powers with which to investigate, interrogate and charge people without preventing or addressing underlying causes of domestic and family violence or coercive control. These additional powers, like existing police powers, will be disproportionately used against Aboriginal and Torres Strait Islander people. Davis and Buxton-Namisnyk (2021) in their analysis of the NSW Joint Select Committee on Coercive Control report notes;

The report raises men who use Aboriginal women’s fear of child-protection services in the course of their controlling behaviour. However, it does not then consider how inviting the police into the home during these moments may further disadvantage Aboriginal women by putting them on notice to child-protection services due to mandatory reporting.

While the Discussion paper is clear that domestic and family violence is gendered, in practice, police and legal systems frequently choose to punish rather than protect Aboriginal women and girls. The consequences of this practice - what the Discussion paper calls ‘misidentification’ - is clear. ANROWS (Nancarrow et al 2020) note Queensland Domestic Violence Death Review and Advisory Board data which demonstrates that in just under half (44.4%) of all cases of female deaths subject to review, the woman had been identified as a respondent to a domestic and family violence (DFV) protection order on at least one occasion. The further impact of racism on this ‘misidentification’ is clear; in **nearly all** DFV-related deaths of Aboriginal people, the deceased had been recorded as both respondent and aggrieved prior to their death. An Aboriginal woman explained the racial basis of this policing to Nancarrow et al (2020, p8):

I was already convicted in their eyes I know because that’s how they treated me, and as a black woman against the white man too they—nobody wants to hear your story, they’re going to believe the white man.

In this context, giving police access to an additional broadly defined offense that can be deployed against Aboriginal people will lead to further injustices and compromise the safety of Aboriginal women and girls. This is not a risk that can be managed (with training, or careful framing of legislation) but a fundamental flaw of approaches seeking to address coercive control through criminalisation.

2.1 Dangers of proposed coercive control legislative models

The Discussion paper identifies a number of approaches to criminalising coercive control adopted in other jurisdictions, and legislation that broadly reflects this approach is canvassed as Option 6 among possible responses. It is noted that the Scottish model has been deemed the gold standard by Professor Stark (p38). Stripped of key aspects of the Scottish policy framework and translated into a Queensland context, the imposition of this model would be likely to be particularly devastating for Aboriginal and Torres Strait Islander women and girls, for all members of Indigenous communities, as well as for the broader community.

The Scottish legislation, as the discussion paper notes (p38), has a non-exhaustive definition of abusive behaviour. The exceptionally broad nature of this offence enabled 84% of those charged with the offence to be convicted in its first year of operation. The Discussion paper notes, however, that by far the most commonly imposed penalty was effectively a community based diversionary response (which may include residence conditions or participation in treatment programs, p38).

Will this diversionary approach be included in the Queensland reforms? We note that such options are explicitly not discussed in the Queensland legislation proposed as Option 6, where **suggested penalties all involve incarceration** (p53-54). A broad offence with high conviction rates and a pipeline to incarceration would be a catastrophe for racialised and over policed communities.

In addition, as Professor Dragiewicz, a Griffith University domestic violence researcher and member of the Queensland Domestic Violence Death Review and Advisory Board, noted in recent media (Smee 2021), the Scottish legislation followed a significant and two-decade long investment in community education and domestic and family violence prevention:

We have not had that, there is no national body responsible for education and training and prevention on violence in Australia. It hasn't been funded. Most universities in Australia don't have a single required university course on domestic violence in any department. Police are Australians who came out of the same educational system that most Australians did... Aboriginal and Torres Strait Islander women and men in Australia experience serious criminal justice penalties for stuff that white people do not.

We remain deeply concerned by the implication (including in the Discussion paper, p43) that coercive control legislation is required in order to educate the public and drive changes in relationship norms. Criminal law is not primarily an educative force - and should certainly not be the primary strategy adopted for public education. As Aboriginal and Torres Strait Islander people and communities across this country can testify, criminal law is punitive and devastating. Its use, especially as a strategy of first resort, creates rather than solves problems for families and communities.

According to the Discussion paper (p16; cf. 46), many victims of abuse specifically do not seek assistance from the police for a number of valid reasons:

They may not want the perpetrator to get into trouble. They may not trust police or consider it safe to approach them. They may have been turned away previously, or may assess it as too dangerous given potential repercussions from the perpetrator. They may fear losing their children.

The Discussion paper proposes no option by which legislators could adopt an approach that addresses the legitimate and well-founded concerns of victims. Instead it notes that availability and access to a whole range of appropriate support (including behaviour change programs, professional services, and other resources) remains problematic (p17), especially for services that are also culturally, geographically, and socially accessible. While training options for police to better address domestic abuse in general terms are canvassed, there is also no mechanism suggested for dealing with significant and documented problems of racism and cultural exclusion in the police service (and in many other mainstream support services for that matter). Considering the introduction of additional criminal offences, police powers, or penalties without addressing any of the immediate essential and systemic problems outlined above would signal that the taskforce has no interest in providing justice or safety for Aboriginal and Torres Strait Islander women and girls, and is in fact prepared to knowingly adopt a policy approach which places them and many other community members at increased and significant risk of harm.

3. How broader state service failures entrap women

Throughout the Discussion paper, there is repeated reference to fundamental failures in existing service provision that urgently require attention, and which could contribute to a non-carceral, non-violent and potentially preventative approach to coercive control and domestic violence.

Choosing to direct the State's resources to expensive and punitive policing and the legal-carceral options, rather than to other enabling social services (such as housing, childcare, supported training or education, healthcare, counselling and other supports) which would enable Queensland women to exercise greater agency in ensuring their own safety while helping to build a less inequitable and more just society is short sighted and unnecessary. In fact, this investment in coercive responses only reinforces the strategies adopted by abusers.

The Discussion Paper at its outset highlights the importance of the Queensland Domestic and Family Violence Prevention Strategy 2016-2026 as a governing framework for this work. It notes that a key overarching aim of the strategy is that "by 2026 all Queenslanders live safely in their own homes and children grow and develop in safe and secure environments", with an important additional outcome that "respectful relationships and non-violent behaviour are embedded in our community."

These crucial goals are compromised by the span of proposals envisaged in this discussion paper – which involve a significant investment in strategies that expand and authorise state violence which would result in increasing incarceration of Indigenous women and people of all genders as well as known associated impacts of this including deaths in custody, family separations and child removals.

The Discussion Paper itself explicitly acknowledges increasing incarceration of Indigenous people as a very likely outcome of the proposals (p44-45). The fact that this concern is raised towards the end of the paper, quarantined in a section devoted to acknowledging and addressing risks of an already chosen course of action, with no apparent substantive impact on either the options canvassed in the paper or the desirability of the course ahead is damning. It makes clear that the women for whom the Taskforce is empowered to seek safety and justice are not Aboriginal and Torres Strait Islander women, whose right to live safely in their own homes does not appear to merit consideration.

Expanding criminalisation and further empowering police is not a pathway to embedding respectful relationships and non-violent behaviour. It is noted in the discussion paper that the question of 'how best to legislate against coercive control' might be answered not through a recommendation to legislate new offences or change existing legislation and procedures, but potentially might involve a recommendation that the best approach would be to take no action. Rather than expanded coercion or continued inaction, we urge legislators to direct resources to enabling social programs designed and controlled by the communities they are intended to serve, to legislate for additional public education about relationships, and improving support to women, girls, and people of all genders.

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'In no uncertain terms' the violence of criminalising coercive control

Joint statement: Sisters Inside & Institute for Collaborative Race Research

Background

In March 2021, the Queensland Government announced the establishment of the Women's Safety and Justice Taskforce. They claimed it would be tasked with conducting "***a wide-ranging review into the experience of women across the criminal justice system***".¹ The Terms of Reference (ToR) of the Taskforce have been made publicly available and outline the timeframe, scope, guiding principles and considerations, and consultation framework for this proposed inquiry².

From the ToR, it is clear that this taskforce is not in fact conducting such a wide-ranging review. It has a very specific focus, which is to examine "***coercive control and review the need for a specific offence of domestic violence***". While the second stated aim in the terms of reference is the broader examination of "***the experience of women across the criminal justice system***", the remainder of the ToR document make clear that this is not central to the taskforce and not possible within the scope of the terms of reference. This joint statement provides a critical appraisal of the taskforce's terms of reference, revealing the brutality of its agenda.

Summary of critique

1. The Taskforce ToR are severely restrictive. They presuppose a carceral solution as the only and best response to coercive control
2. The Taskforce ToR ignore the existing evidence base (statistical, theoretical and testimonial) relating to the violent relationship Indigenous women have with the criminal legal system
3. The Taskforce ToR are explicitly discriminatory. They name Aboriginal and Torres Strait Islander women as the only racialized category of women considered "both victims and offenders"
4. In their scope, the Taskforce ToR fail to adhere to their own guiding principles. Most notably they fail to protect and "***promote human rights***", or to employ a "***trauma informed***" and "***evidence-based approach***"
5. The Taskforce ToR fail to provide a definition of "***coercive control***", or any conceptual clarity in relation to this contested term.
6. For all these reasons, the Taskforce ToR are an enabler to the state's exercising of coercive control over Aboriginal and Torres Strait Islander women

¹ Queensland Government (2021) Women's Safety and Justice Taskforce, Department of Justice and Attorney General, accessed May 2021 <https://www.justice.qld.gov.au/initiatives/womens-safety-and-justice-taskforce>

² Queensland Government (2021) Terms of Reference: Taskforce on Coercive Control and Women's Experience in the Criminal Justice System, Department of Justice and Attorney General, accessed May 2021 https://www.justice.qld.gov.au/_data/assets/pdf_file/0010/672706/womens-safety-justice-taskforce-tor.pdf

We argue that the Taskforce focus on coercive control, and the restricted range of criminological responses offered, ignore the experiences of Aboriginal and Torres Strait Islander women who are already over-represented across the criminal legal system. It is via the Taskforce ToR and the terminology deployed within it that we demonstrate how the Queensland Government's agenda is at odds with its apparent commitment to the principles of **"women's safety and justice"**. In fact, rather than seeking to protect them from harm, the relationship that the state establishes over Aboriginal and Torres Strait Islander women is one of coercive control. This taskforce operates as an apparatus for intensifying this control, further trapping Aboriginal and Torres Strait Islander women within criminal legal systems which have long been a key site of colonial and racial violence.

This entrapment occurs through the erasure of power. Coercive control is a form of domination which can only take place in asymmetrical conditions of power, and these are structural as well as personal. By stripping coercive control of its gendered dimension, the ToR hide the fact that it is a practice of control exercised in conditions of patriarchal power. By failing to name the most powerful form of domination in the criminal legal space - the hyper incarceration of Aboriginal women - the ToR position these women as potential perpetrators and propose new legal instruments that can and will be used to further criminalise them. Coercive control legislation thus becomes a mechanism to further structurally disempower Indigenous women, making them more rather than less vulnerable to subtler forms of control.

We acknowledge the seriousness of coercive control and support all Aboriginal and Torres Strait Islander women who experience and speak up against it. Here, we focus on the need to extend our understanding of coercive control so that we can see its operation in the actions of the state itself. Indigenous women and survivors of DSV have solutions to coercive control beyond the criminal justice system. One of the missed opportunities of these ToR is that they do not make space for these voices, experiences and knowledges.

The problem with a carceral solution

The ToR move straight from a general injunction to examine coercive control to the assumption that the criminalisation of this category of control will be the outcome of the inquiry. The terms of reference thus pre-empt the deliberations, rendering voiceless those who oppose criminalisation even if they are invited to participate in the process. The timeframe section tells us that the taskforce will need to inform the Attorney General **"how best to legislate against coercive control as a form of domestic violence"** by October this year – it does not ask the taskforce to decide *if* such legislation is necessary. It also tells us that, in making recommendations, the Taskforce may consider **"how best design, implement and successfully operationalise legislation to deal with coercive controlling behaviour in a domestic and family violence context"**. The Taskforce is also directed to consider how to improve rates of reporting and lower attrition – so how to expand the reach of existing and new criminal offences. This does not consider the fact that Aboriginal and Torres Strait Islander women may avoid interaction with the criminal legal system because of the high likelihood that this will lead to trauma and criminalisation.

The only specific areas for consideration mentioned are policing, investigative approaches, collection of evidence, first responders and so on – the state is the assumed agent of redress and protection for women. In the case of colonial Australia, we know this to be untrue. From the earliest times Native police, mission controls, child removal systems, incarceration in dormitories, police harassment, deaths in custody and hyper incarceration in the prison system have been a central mechanism of Indigenous dispossession and colonial control. This traumatic and politicised relationship with the criminal legal system continues today. These ToR erase the brutal impacts of the carceral system upon those women

who are most likely to be affected by the proposed changes and create a path dependency leading to the expansion of this violent system.

In fact, the assumption that the expansion of carceral control benefits and protects Aboriginal and Torres Strait Islander women is also a common feature of colonialism. Systems of intense, violent micromanagement have long been justified as protecting these women from predation and from the violence of their own culture (as in the language of the 1897 'Protection' legislation). The ToR might aim to ***"improve the criminal justice system"***, but there is real danger in giving more power to a system that has evolved to brutalise Aboriginal women.

The objectives listed by these ToR appear incompatible. How can the Taskforce both criminalise coercive control, and truly consider ***"any other policy, legislative or cultural reform relevant to the experience of girls and women as they engage with the criminal justice system?"*** The vagueness of the proposed methodology, and the ordering of priorities (focusing on expanding offences first, and considering contextual factors last) is highly concerning. In such a limited and vague framework, those invited to participate will determine the extent to which the racist context of the legal system is considered.

The criminalisation of coercive control can be deployed by both state and individual perpetrators to control women rather than protect them. This is of particular concern in Queensland, where incarceration rates for women have increased 72% in the last ten years³. But this control does not happen in the same way to all women. By erasing gender, the ToR make space for race. The imagined victim and beneficiary of media discussions of coercive control is a white straight middle-class suburban woman. It is for this woman's protection that the state has initiated the current process. The ToR implies that in protecting this middle-class white woman all women will be afforded the same protection. This is not the case; the vulnerability of white women has long been a justification for the extension and policing of racial hierarchies.

Racial violence and the state

We know that the Queensland criminal legal system is profoundly racist in its interaction with women: nearly 40% of current female prisoners are Indigenous, despite forming only 4.6% of the Queensland population. This race based hyper-incarceration has also intensified in the past decade, up from 32% of the female prison population in 2010. Unlike white women, Aboriginal and Torres Strait Islander women are seen as already culpable; domestic violence interactions with police already regularly lead to criminalisation and incarceration for Indigenous women. In this context, the vagueness of the nature of coercive control, and the difficulty demonstrating it and documenting it, makes coercive control legislation an incredibly powerful weapon in the criminalisation of Indigenous women.

Race is not mentioned in the ToR as a power structure, or a factor which profoundly shapes Indigenous women's experience of the criminal justice system as violent and coercive. Race is not mentioned to name racism. Instead, it is mentioned only *racialize* Aboriginal and Torres Strait Islander women. The ToR make this crystal clear when they claim to take into consideration:

the unique barriers faced by girls, Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women, incarcerated women, elderly women, women in rural, remote and regional areas and LGBTIQ+ women, when accessing justice as both victims and offenders;

³ Australian Bureau of Statistics, Prisoner numbers and prisoner rates by Indigenous Status and sex, States and territories, 2006-2020 (Tables 40 to 42)

It is alarming that the only time Aboriginal and Torres Strait Islander women are mentioned in the ToR, they are named as “**offenders**”. The ToR separate out Aboriginal and Torres Strait Islander women from the normative ‘white woman’ specifically criminalising them in the framing of proposed coercive control investigation. Indigenousness is the only racialised category to be explicitly named as both victim and offender, and we also note that Indigenous women occupy the other ‘offending’ categories listed (culturally diverse, incarcerated, LGTIQA+, rural and remote, etc). In this long list of ‘diversity’, difference is framed as individual and lifestyle based, rather than as structural and related to long standing systems of power. This makes it much easier to cast these individuals as responsible for their own difficulties and experiences. Indigenous women are mentioned as one of many categories of diversity, when all involved know that they are by far the most important category of women affected, many hundreds of times more likely to be imprisoned than other women.

The ToR in not naming white, middle-class, middle-aged, suburban, straight women as “both victims and offenders” make explicit how the state assures their innocence via a discourse of protection, and in doing so, guarantees their position as both victim and beneficiaries of state control. By both erasing and then reinscribing gendered and racialized systems of power, these terms of reference make their intent and eventual effect all too clear. In no uncertain terms, this taskforce aims to extend the legal jurisdiction and practical reach of criminal legal institutions which remain a key agent of violence and colonisation for Aboriginal and Torres Strait Islander women. These ToR foreclose possibilities other than intensifying harm via the extension of the state’s coercive control.

Returning to coercive control

The concept of coercive control emerged out of debates over ‘the disputed nature, extent and distribution of domestic violence: whether domestic violence is primarily rooted in men’s control of women.’⁴ The term, as first defined by Stark describes a form of domestic violence that is considered more serious in that it is ‘gender asymmetrical’, that is, it is focused on control over women by men, and is said to be distinguishable from fights or arguments between men and women⁵. We would highlight that, in the same way that gender asymmetries enable the subtle mechanisms of coercive control, so too do other structured forms of power including race, class and heteronormativity. Stark defines coercion as “the use of force or threats to compel or dispel a particular response” (p. 228), while control refers to “structural forms of deprivation, exploitation, and command that compel obedience indirectly” (p. 229). When coercion and control occur together, he argues, the result is a “condition of unfreedom” (p. 205) that is experienced as *entrapment*.⁶ Coercive control often includes subtle psychological techniques such as gaslighting, surveillance, isolation, restricting freedom and controlling women through threats to their

⁴ Walby, S & Towers, J (2018) Untangling the concept of coercive control: Theorizing domestic violence crime, *Criminology & Criminal Justice*, 18(1): 8. <https://doi.org/10.1177%2F1748895817743541>; see also Barlow, C, Johnson, K, Walklate, S and Humphreys L. (2020). Putting Coercive Control into Practice: Problems and Possibilities, *The British Journal of Criminology*, 60(1): 160–179, <https://doi.org/10.1093/bjc/azz041>

⁵ Walby, S & Towers, J (2018) Untangling the concept of coercive control: Theorizing domestic violence crime, *Criminology & Criminal Justice*, <https://doi.org/10.1177%2F1748895817743541>

⁶ Stark E and Hester M (2018). Coercive Control: Update and Review. *Violence Against Women* 25(1): 81-104. <https://doi.org/10.1177/1077801218816191>

children. It may or may not include physical and/or sexual assault, and can continue well after physical violence has ended.

There is an emergent literature examining the creation of coercive control as a new criminal offence, primarily from the United Kingdom⁷. One of the major criticisms of the legislative response to coercive control has been the removal of gender asymmetry as a defining characteristic. This allows vulnerable and disempowered women to be misidentified as perpetrators, especially given the necessarily imprecise and hidden nature of coercive control practices. It will be up to the police to determine the truth of coercive practices, and, as in the ToR, it appears that legislation offers little precision about the meaning and application of the term. This is a major expansion of police discretion. The threat of such a vague offence will further deter at risk women from engaging with police in domestic violence situations and will subject them to the very forms of subtle control that this legislation ostensibly seeks to avoid. Aboriginal and Torres Strait Islander women are routinely misidentified as ‘offenders’ rather than ‘victims’. Not only will Aboriginal and Torres Strait Islander women and girls not be afforded protection by this legislation, they will be squarely targeted.

Women’s Taskforce ToR as a form of coercive control

The very elements of coercive control – gaslighting, manipulation via family relationships, isolation and surveillance – already characterise much of Aboriginal and Torres Strait Islander women’s interaction with the criminal legal system. When the ToR refer to these women as “**engaging**” with, “**interacting**” with or “**accessing**” the criminal justice system, it is a form of gaslighting. Such experiences are not neutral but routinely violent, criminalising and traumatic. The carceral system is a key “condition of unfreedom” for Aboriginal and Torres Strait Islander women both inside and outside formal prisons.

A critical limitation of these ToR is the fact that they centre the voices of legal and state agencies, further foreclosing non-carceral responses. Seven out of the eleven stakeholder groups specified in the ToR are such agencies – police, DPP, statutory authorities, legal practitioners and government departments. The highly politicised Queensland Police Union, which has a history of conflict with Indigenous communities, is mentioned by name as an example of an ‘advocacy group’. It is clear the Queensland Police Service are seen as key stakeholders and decision makers.

While the ToR indicate that DFSV survivors will be consulted, they do not specify consultation with Aboriginal and Torres Strait Islander representative or advocacy groups. This is a clear omission, given all are aware of the extreme levels of Indigenous incarceration in the state. Therefore, it seems that the women with lived experience will again be those white middle class women who are framed as most-deserving of state protection. Even non-racialised survivors of domestic violence and of the criminal legal system are aware of the limitations of carceral responses, yet the ToR structures out such voices by predetermining the recommendations of this taskforce. The idea that the criminal legal system itself might be deeply flawed, and a site that intensifies rather than redresses domestic violence for marginalised women, is not within the scope of these terms. There is a large body of research and evidence showing precisely this, but the framing of this Taskforce can only extend the reach of this system and see it as in need of expansion and ‘reform’.

There too is a deep contradiction with the ToR’s apparent recognition of “***the need for attitudinal and cultural change across Government, as well as at a community, institution and professional level,***

⁷ Tolmie, J (2017). Coercive Control: To Criminalise or not to Criminalise? *Criminology and Criminal Justice*. 18(1): 50-66. <https://doi.org/10.1177/1748895817746712>

including media reporting of DFSV". If there is a need for attitudinal and cultural change across government, how can this same government direct discussion of these issues by establishing such a limited and path dependent ToR? The ToR appears to share the same attitudes of those they seek to correct; there is no scope within these terms for fundamental value change.

The following examples highlight the contradictions between the scope and guiding principles built into these Terms of Reference:

- The Taskforce via its ToR claim to be *"trauma informed"*, but the primary trauma of Indigenous women in this context is their experience with the legal system. A carceral solution, such as that already predetermined by this process, is therefore not trauma informed. Once again, we must ask whose trauma is recognised and used to inform change; Indigenous women are forced to carry the seeds of their own culpability in the current carceral system, and their trauma is therefore tainted and silenced.
- The ToR refer to the need for an *"evidence-based approach"* which presumes a reasoned neutrality or impartiality. Yet the ToR, which presuppose the value of criminalising coercive control, as well as the list of stakeholders to be consulted, tell us what evidence will be valued and heard. The evidence which points towards truly transformative change such as community justice processes and abolition and defunding of carceral systems is likely to be excluded.
- The ToR refer to *"just outcomes"* only in the context of balancing the needs of *"victims and accused persons"*, as if this were a simple calculus, and the state the arbiter rather than a party to violence and injustice. Are just outcomes possible given the way that structural factors mitigate against even-handedness and lead to profoundly unjust distributions of harm?
- There is an apparent concern for *"cost-effectiveness"* yet the massive expansion of the prison system and policing is clearly not considered. This is one of the major areas of increased government spending over the past two decades and is highly profitable to many private and quasi-government organisations. Abolitionist research highlights the economic forces driving the expansion of carceral systems and leads us to question the independence of a Taskforce which is deeply enmeshed in the sprawling and expanding prison industry.

Conclusion

We do not raise these concerns in relation to the ToR to call for greater inclusion of Aboriginal and Torres Strait Islander women in the Taskforce. Rather we seek to explicitly name a process that is itself violent, in its stated aims of *"women's safety"*. By interrogating the ToR, and terminology, we show that this Taskforce's outcomes reflect the same kind of abuse that it is charged with remedying. This is not a matter of Indigenous women being silenced and 'left out' of a process of protection; in fact they will be made hyper visible and directly targeted. Aboriginal women are already rendered as marginalised, underserving victims and *"perpetrators, offenders and accused persons"*. They are not seen as worthy of inclusion in consultation and stakeholder discussions, only of inclusion as potential perpetrators of the new crime of coercive control. Instead of seeking this inclusion, we question the very terms of this Taskforce and its agenda.

The concept of coercive control itself tells us that those who are victimised typically cannot seek justice. They do not have power, are structurally silenced and are not believed – this disempowerment is reflected in the Taskforce ToR. The state casts Indigenous women as perpetrators of coercive control when it is the state itself who exercise this control and occupies the role of perpetrator. Which kind of women can avail themselves of this law to their benefit? Only a very few, and it is for them these laws are being made, and for the colonial political order that has long justified itself as protecting white female virtue and disciplining Aboriginal criminality.

Carceral feminism and coercive control: when Indigenous women aren't seen as ideal victims, witnesses or women

May 25, 2021 3.33pm AEST

The SBS documentary series See What You Made Me Do aimed to spark a national conversation about criminalising coercive control. Instead it highlighted the stark power imbalances in conversations between Indigenous and non-Indigenous women.

She wasn't being a good victim, she wasn't standing there in the sheet dripping in blood and trying to control all this emotion that was going on with her [...] she said I want my Dad, I want my Dad and they decided she couldn't have her Dad. The two policeman, one woman and one man, they said that Tamica spat and they said, 'That's assault and you're getting arrested.'

These were the words of Kathleen Pinkerton, a Widi woman from the Yamatji nation. Kathleen was describing the police treatment of her niece, Tamica Mullaley, who was a victim of domestic violence. Rather than being treated as a victim, the police treated her as an offender, which resulted in the most tragic of consequences for her baby Charlie.



The good victim

Tamica's story was at the centre of episode two of the documentary series *See What You Made Me Do*, which is based on journalist Jess Hill's book of the same name. SBS claims the documentary "is not just about making TV content, it's about making change".

Indeed, Hill's aim to criminalise coercive control is part of a larger national agenda. It was the first priority set for the Queensland government's recently established Women's Safety and Justice Taskforce.

The taskforce and documentary both call for a carceral solution to coercive control – coercive control refers to systemic domestic violence that operates through a matrix of subtle practices including surveillance, gaslighting, financial control, and fear of potential violence.

This plan for criminalising coercive control has been met with sustained critique from a range of Indigenous women academics, activists and frontline workers. They argue such a solution would result in more Indigenous women being imprisoned than protected.

These concerns are evidenced statistically, by the staggering increases in Indigenous female incarceration. They are also shown clearly in the story of Tamica herself, who was "misidentified" as an offender by the police (which included a female officer).



Ashlee Donohue
@MissAshlee__



The missing part in the [#coercivecontrol](#) debate is that's it's evidence based. Aboriginal women are not believed when there standing in front of police busted up and dripping in blood. How the hell they going to be believed re: coercive control?

11:39 PM · May 19, 2021 · Twitter for iPhone

In the documentary, Tamica's tragedy is used to make a case for extending police powers and consideration of female-only police stations. Yet, her story negates the case being made by demonstrating how police-based solutions will harm Indigenous women.



Jess Hill @jessradio · May 12



Replying to @Mabolouss

I don't claim to represent anyone. But what you've said is right, and we've covered that comprehensively in this episode. The Mullaley story reveals exactly how unsafe police can be for Indigenous women and kids.



2



1



14



Boneta-Marie Mabo @Mabolouss · May 12



So why do think that criminalising coercive control will change anything for black women if you understand how police criminalise black victims of violence? We are disproportionately criminalised and imprisoned



2



6



48



This has many rightfully questioning the function of Indigenous women's trauma in narratives constructed by carceral feminists - those who see state institutions such as police and prisons as appropriate solutions to gender based violence.

A key point we raise is the failure of this approach to understand how the state itself perpetrates abuse and coercive control over Indigenous women.

The terms of reference of the Queensland government taskforce expressly state Indigenous women should be considered as "victims *and* offenders."

While Indigenous women and children may be positioned in public debate as victims to lever emotional support for carceral solutions, it is clear Indigenous women are already considered potential perpetrators by the taskforce meant to protect them.



Ronnie Gorrie
@RonnieGorrie



Hot tip for the day. Black women, when you call police when you are being subjected to DV/family violence, do not expect emphatic, sympathy or compassion. Expect to have your child/ren removed and be locked up

6:41 PM · May 19, 2021 · Twitter for iPhone

Sadly, concerns raised by Indigenous women have fallen on the deaf ears of those who claim to care. Here, we see how Indigenous women make for neither good victims nor good witnesses.



Debbie Kilroy #FreeHer
@DebKilroy



1/2

The state casts Indigenous women as perpetrators of [#coercivecontrol](#) when it is the state itself who exercise this control & occupies the role of perpetrator. Which kind of women can avail themselves of this law to their benefit?

The good witness

This was on display in Hill's expert panel discussion that followed the airing of the final episode of *See What You Made Me Do*. Dr Hannah McGlade, a Noongar academic expert, lawyer and head of the National Aboriginal and Torres Strait Islander Legal Services, cogently challenged Hill's call to criminalise coercive control.

McGlade spoke of the reality of Aboriginal people being over-policed. Hill responded by replying directly to McGlade about "what gives her heart and keeps her advocating for these laws" despite just having heard why they are

deeply problematic. Later, she again responded to McGlade, telling her that actually Indigenous women advocate for the laws rejecting her claim that Aboriginal women are fearful of contacting police.



crystal mckinnon
@crystalam



Love Jess telling Aboriginal Associate Professor, lawyer, and head of @NATSILS_ Hannah McGlade she is wrong when she states Aboriginal woman are apprehensive and won't call police in family violence situations. The Caucacity. #SeeWhatYouMadeMeDo

10:19 PM · May 19, 2021 · Twitter for iPhone

In bringing her expertise to the conversation, McGlade interrupts what was meant to be Hill's conclusion from the three part documentary - that a "revolution" is required to save women, which includes criminalising coercive control. But the dynamics of the panel reflected the dynamics of the debate: where Indigenous women and female academics are not only not believed, but ignored and told they're wrong.

Indigenous women, much like in Tamica's case, are not deemed worthy of protection. In Queensland, nearly 50% of Indigenous women murdered in domestic violence contexts have previously been named by the state as perpetrators. We argue that Indigenous women are framed as a threat to be contained, whether they seek protection for themselves in domestic violence situations or for other Indigenous women in public debate.

The current dialogue around coercive control troubles white Australia's limited understanding of who can commit violence against whom, and who can be a victim and who is a perpetrator.



Justine Reid
@murri_mama



I tweeted this 3 years ago... yet it's still so relevant
[#SeeWhatYouMadeMeDo](#)



Justine Reid @murri_mama · Nov 4, 2019

We need to stop the criminalisation of black women who are listed as co-respondents in DVO applications {like me} because abusers want to scapegoat women as perpetrators #QandA

Theorists such as Darumbal and South Sea Islander journalist Amy McQuire and Judith Butler, have examined who is grievable (the good victim) and who is believable (the good witness).

White Australia tends to see both white women and state agents like police as fundamentally good, and both are almost always deemed grievable and believable.



Keeks
@keeks_1996



Every time these WW talk about criminalising coercive control I think about Ms Dhu and how the police and doctors couldn't even take her physical injuries (from an assault) seriously.

Amy McQuire reminds us of the importance of recentering “the voice of the Black Witness”:

“Like the White Witness, the Black Witness also uses the language of war. While the White Witness uses it to stage an attack, the Black Witness will mount a defence, because it is not the White Witness’s war they want to talk about, it is the real war — the continuing resistance against an occupying force [...]

While the White Witness thrives on accounts of the brutalisation of black bodies, most commonly of black women and children, the Black Witness pushes these same black women to the forefront — they are the ones with the megaphones in the centre of the Melbourne CBD — in the very heart of white, respectable space.”



Hayley Foster
@HayleyFoster_



Do those advocating against recognising coercive control as a crime want to see a decriminalisation of single incidents of domestic & sexual violence like assault, grievous b harm, strangulation & rape?

Or is it that coercive control is seen as less serious?
[#SeeWhatYouMadeMeDo](#)

When we listen to Indigenous women, it is clear they don't necessarily want inclusion in the agendas of white women. They are insisting upon a broadening of policy development that ensures safety and justice for all women.

Indigenous women shine a light on a form of violence that carceral feminism continues to overlook. This violence is not only between the police officer (male or female) and Aboriginal women, but between the state and its citizens. It often manifests as exactly the kind of subtle entrapment Hill describes as coercive control - using isolation, surveillance, financial scrutiny, gaslighting, refusal of care and threats to children.



LU LU DAVIS
@fisher_ld



I called the police once but for my neighbor tld them I was scared for her life but they [#questioned](#) ME abt who I was who I lived wit? They told me a car was on its way.. I waited... no one came [#seewhatyoumademedo](#)
[#notcallingthepoliceagain](#) ➔

The problem with criminalising coercive control isn't only a matter of poor design or of perception of deserving victims. The problem is it results in an extension of power by the state.

In Queensland, this extension of state authority justified using the same kind of framing of female trauma Hill uses in *See What You Made Me Do*. It follows other concerning expansions of police powers and resources in recent months.

The Good Women

In this moment, it is Indigenous women who are refusing to aid an already authoritative state accrue more power. There is little that is revolutionary about carceral feminism. Hill herself acknowledges her calls to criminalise coercive control aim “to reform the current domestic violence law”. Yet, such a reform serves to further entrench abusive power relationships against Indigenous women.



Prof Dr M Davis ✓
@mdavisqlder



Well known in Australian DV FV research that large numbers of Aboriginal women do not ring police and do not report DV. Dr Hannah McGlade is correct. This is one of the flaws of CC 🇺🇸 Mob know these *mandatory reporters* flag your children to child protection.

[#seewhatyoumademedo](#)

Gomeroi Kooma woman Ruby Wharton offers the revolutionary imagining required when she speaks of decarceration and Black deaths in custody:

it's not about doing performative things within their system, but abolishing it [...] we can't demand incarceration of police when we are dying of the same system [...] as long as we walk in love we will be able to seek justice.

From Wharton, we see the kind of care so desperately needed in this conversation - in which all people are afforded care. The refusal of carceral feminists to think about care in its most inclusive sense is a refusal to “walk in love” alongside Indigenous women. This is because they exercise their virtue on the basis of an authority afforded by a racial order that exists within Australia, which privileges them above Indigenous women.

Distinguished professor Aileen Moreton-Robinson in her seminal text *Talkin' Up To The White Woman* some 20 years ago concluded:

the real challenge for white feminists is to theorise the relinquishment of power so that feminist practice can contribute to changing the racial order. Until this challenge is addressed, the subject position middle-class white woman will remain centred as a site of dominance. Indigenous women will continue to resist this dominance by talkin' up, because the invisibility of unspeakable things requires them to be spoken.