

In Defense of Abused Women: Rural Critical Criminology in the Courtroom

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Acknowledgements

I thank Joseph F. Donnermeyer, Rosemary Gido, Peter Kraska, Emily Lenning, Ken Mentor, and Claire Renzetti for their guidance and support.

Declarations

The author has no relevant financial or non-financial interests to declare.

Funding

No funding was received to assist with the preparation of this manuscript.

Abstract

Many critical criminologists assert that criminal courts only function on behalf of powerful interests. Nothing could be further from the truth. Drawing heavily on my recent work as an expert witness assisting rural battered women in conflict with the Kentucky legal system, the main objective of this paper is to show that a courtroom can be a site of progressive struggle and resistance. Indeed, the courtroom is what the late Ian Taylor defines as a “political place,” and this paper demonstrates that positive outcomes for incarcerated abused women can occur when rural critical criminologists enter this space.

Keywords: rural; courts; expert witness; woman abuse

Introduction

The interdisciplinary empirical, theoretical, and policy literature on crime, deviance and social control in nonmetropolitan and remote contexts has markedly increased in the past 10 years. Yet, reviewing this valuable body of knowledge makes it clear that rural criminologists have not adequately examined the responses of judges and lawyers to the plight of abused women who come into conflict of the law. Even less is known about rural critical criminologists' roles as expert witnesses who assist these women. This is due, in large part, to the fact that lawyers rarely, if ever, seek rural criminologists' expertise. Rather, they rely heavily on testimony and written reports from forensic psychiatrists who specialize in individualistic understandings of "abnormal behavior" or mental illness (Jain & Sorrentino, 2023). This is, at first glance, perplexing because what Loewen (1982) stated nearly 50 years ago still holds true: "Properly prepared social science testimony can make the difference between success and failure" for hundreds of cases (p. 2). Note, too, the following problems identified by Loewen still preclude sociological criminologists, regardless of their theoretical orientations and empirical objects of inquiry, from being involved in legal cases. Consider that:

- Many criminologists speak a language that can only be understood by other criminologists.
- Lawyers do not understand sophisticated statistical techniques.
- Developing courtroom exhibits and testimony is "foreign" to most criminologists and places uncomfortable demands on them for prompt responses, "near certainty, conciseness, and relevance.
- Lawyers and criminologists "do not often speak the same language" (pp. 2-3).

Some readers may state, "But psychiatrists and lawyers also don't speak the same language and thus why are lawyers drawn to medical professionals?" Indeed, they do not speak the same language; nonetheless, psychiatrists' view of crime as a property of the individual fits nicely with the legal system's "insistence on individual moral culpability as the defining element of crime" (Hastings & Saunders, 1987, p. 144). It cannot be emphasized enough that there is, in the words of law professor Andrew Ingram (2022), "a cached moral blameworthiness requirement in criminal law doctrine, on the same plane as the canonical requirements of voluntariness, action, and *mens rea*..." (p 491), that is, criminal intent. Put another way, under law, a person – not broader social or social psychological forces – "is morally or criminally answerable for some piece of conduct if it is morally or criminally wrongful under the same description under which it is imputable to one's agency" (Tiffany, 2024, p. 3).

Not all social scientists, however, are excluded from the expert witness pool and forensic psychologists are prime examples. They are frequently hired by criminal attorneys and

prosecutors for the same reasons that psychiatrists are recruited. As Vienna (2022) correctly points out:

Because forensic psychologist expert witnesses are, first and foremost, licensed psychologists that apply their specialized knowledge of clinical psychology to a psycho-legal question or legal matters, they're exceptionally skilled at providing attorneys with information related to treatment, recommendations, evaluations of the potential risk of future violence, *voir dire* (jury selection), witness preparation, sentencing recommendations, etc. In addition, anytime there is an element of human behavior involved in a legal matter, the expert witness' opinion is extremely useful in conveying the connection between the brain, the behavior, and the law (p. 1).

By relying on medical professionals and forensic psychologists to help make their cases, though well-intentioned, public and private defense lawyers help the legal system divert society's attention from the wider cultural, political, and economic determinants of crime and therefore "serve as servants of the state, protecting the interests of bourgeois legal institutions (Barak, 1980, p. 119), which are also patriarchal and heteronormative (Buist & Lenning, 2023; DeKeseredy, 2022). But "Don't paint everyone with the same brush." My recent experiences as a progressive criminologist working with public defenders in rural Kentucky tell a refreshingly different story, and the main objective of this fieldwork and reflections article is to demonstrate, in the words of Bob Dylan, that "The Times They are a-Changin."

Becoming an Expert Witness¹

I have a long history of studying separation/divorce violence against women and thus it is not surprising that the bulk of my expert witness work centers on this harm. My first case was in the summer of 2004 when I was affiliated with Ontario Tech University (formerly University of Ontario Institute of Technology). It involved a British Columbia woman (Gayle Hull) who repeatedly attempted to engage the services of the Royal Canadian Mounted Police (RCMP) to get protection from an ex-partner (David Otto) with a serious history of violence. I helped prove that the RCMP did not adequately respond to this survivor's urgent needs and well-founded fear for her safety. Alas, this selective inattention is endemic to most police departments around the world. Decades of research show that the police fail to consistently implement "zero tolerance" arrest policies and to arrest abusive men who violate protective orders, such as those intended to shield Ms. Hull from Mr. Otto. What Meloy and Miller (2011) stated 13 years ago still holds true:

Pro-arrest policies are meant to remove or significantly curb police discretion, yet in practice, much of it remains. Assessments of probable cause are often colored by

¹ Note that pseudonyms are used in my discussion of three cases that I am currently working on.

ideological factors such as background beliefs about the “stupidity” of battered women who either stay with or return to their abusive partners, or beliefs about the violent culture of families in lower socioeconomic strata and in ethnic/racial minority groups. Additionally, research examining police discretion to battering incidents points toward many different factors – legal and otherwise.... (p. 43).

It was not until 2018 that my expertise was again sought by legal counsel. By then, I was based in West Virginia and this civil case involved a former Iowa State University student (Emily Black) who was raped at this school by Hunter Hansen in October 2013. My job was to help Ms. Black’s legal counsel prove that, despite having sufficient evidence of her victimization, Iowa State University did not protect her, did not conduct a thorough investigation of her case, and did not facilitate the bringing of criminal charges. Ms. Black received a \$125,000 settlement in 2021 but she endured much suffering because of the defendants’ negligence. The devastating consequences of her assault, too, are long-lasting, including low self-esteem, depression, fear, nightmares, sexual aversion, and a myriad of physical health problems (Coy, 2024; DeKeseredy, 2011; DeKeseredy & Schwartz, 2009). Mr. Hansen’s assault changed Ms. Black forever, and I worked tirelessly to prove that Ms. Black was treated unfairly by the defendants and that their breach of duty caused her much trauma.

It was not until April 2021 that my work in support of rural women began. Recommended by Dr. Claire Renzetti, editor of the widely read and cited journal *Violence Against Women*, I was approached by Michael Durborow, then Directing Attorney at the London, Kentucky Trial Office, to assist him in the matter of Commonwealth v. Melzena Moore (20-Cr-0013), and this case set me on a career path that I never anticipated. Fearing for her life, Ms. Moore shot and killed Mr. Raymond Jackson in the early morning of May 23, 2020. I want to emphasize that all details associated with this case are part of Ms. Moore’s public court records, including my testimony. Pseudonyms, however, are used in my later discussion of three current cases.

In sharp contrast to men who murder women, women who kill their current and ex-partners typically do so only after years of physical, sexual, and psychological abuse. Ms. Moore experienced atrocities that few of us could possibly imagine. Consider that Mr. Jackson had a coffin in a closet in his home and wrote “Zeke (her nickname) Rest Here” on the side of it. As well, he repeatedly threatened to put her in the coffin and nail it shut. This was just the tip of the iceberg, given the other abusive events Ms. Moore revealed to me.

In addition to talking at length with Ms. Moore, I administered the Danger Assessment tool to her. Developed by Dr. Jacquelyn C. Campbell (Johns Hopkins University School of Nursing), one of the world’s leading experts on *intimate femicide* (the killing of women by a current or former intimate male partner), the Danger Assessment helps determine the level of

danger that an abused woman has of being murdered by her current or former partner.² It is frequently used by practitioners, including law enforcement personnel and prosecutors. The tool I administered includes 20 questions and the tool scores are classified into four categories that reflect the likelihood of experiencing life-threatening violence: less than 8 = variable danger; 8 to 13 = increased danger; 14 to 17 = severe danger; and 18 and over = extreme danger. Ms. Moore's total score is **31**. She answered "yes" to 17 of the 20 questions. And it should be made explicit that I only asked her about events that occurred during the year prior to the shooting. She did, though, tell me that she experienced much abuse during the last two years of her three-year relationship with Mr. Jackson.

Figure 1

The U.S. state of Kentucky



(Source: Wikimedia Commons)

The "number one" risk factor for intimate femicide is a history of violence against women (Walklate et al., 2020). Certainly, Jackson had such a history. Not only did he physically, sexually, and psychologically abuse Ms. Moore over a two-year period, but he also beat and raped his previous wife. Another major example of Mr. Jackson's violent history is him choking Ms. Moore until she passed out. Mr. Jackson would also allow drug dealers to rape her in exchange for drugs. What is more, she left him several times and he always threatened to kill her after she departed. It cannot be emphasized enough that a woman's risk of being killed by an abusive man increases six-fold after she leaves (DeKeseredy et al., 2017).

² See Campbell and Messing (2017) for more detailed information on Dr. Campbell's Danger Assessment.

Based on my review of data generated by the Danger Assessment, information provided during my interview with Ms. Moore, and information provided by Mr. Durborow, Mr. Jackson had these other characteristics that put him at elevated risk of killing Ms. Moore:

- Possession of weapons (e.g., throwing knives).
- Stalking behavior.
- Jealousy and possessiveness.
- Heavy use of alcohol and illegal drugs (e.g., meth).
- He has male friends who abuse women.
- He is unemployed.

Women like Ms. Moore kill men in their own homes during periods of great fear, and the evening of the shooting was, undoubtedly, fear inducing. Ms. Moore, at the time of the shooting, had a reasonable apprehension of death or serious bodily harm from Mr. Jackson. In my opinion, the force she used to repel the danger was necessary and reasonable. Note that shortly before the shooting, Mr. Jackson raped another woman, asked Ms. Moore to kill her, sexually assaulted Ms. Moore, and punched Ms. Moore in the face, an act that knocked her out of the house onto the front porch.

Ms. Moore's relationship with Mr. Jackson began in 2017. Over a two-year period (2018-2020), Ms. Moore was terrorized to the point of feeling trapped, vulnerable, worthless, and unable to escape the relationship despite the violence. The shooting was the desperate act of a woman who sincerely believed that she would be killed that night.

Why did she return to Mr. Jackson's house the night of the shooting? Why didn't she just leave? Why did she stay with an abusive man for two years? Experts in the field have data-driven answers to these questions. First, as one of the world's leading authorities on separation/divorce violence against women, I can conclusively state that women who leave abusive relationships may be in more danger than women who stay in them. Again, Ms. Moore's life was threatened each time she left him.

Ms. Moore, like many battered women, was trapped in an abusive relationship. So, the question would be best directed toward "what kept her from leaving" rather than "why did she stay and why did she return?" She didn't want the *relationship* to end; she wanted the *violence* to end and thought that pointing a gun at Jackson would influence him to stop hurting her and other women. Furthermore, Ms. Moore told me that she had low self-esteem, whereby after two years of being degraded, belittled, beaten, and sexually assaulted, she came to believe that she was not capable of deciding on her own to leave.

I have often heard people lacking expertise on violence against women say, "How can a 'normal' woman end up like this, when I know that if it happened to me, I'd be out the door in a

flash?” Catherine Kirkwood (1993) uses the concept of a “web” to explain how it is emotional abuse, not physical abuse, that ties women like Ms. Moore to dangerous relationships. Of course, physical abuse is also emotional abuse: How does one feel emotionally right after being beaten up or sexually assaulted? Rather than being constrained by a single thread, many women are caught in a web of factors, interlaced and interconnected, that hold and trap them. No one strand can be isolated and viewed on its own; each receives support from other strands.

What are these strands? They are many and have been often identified in the scientific literature. They are, in the case of Ms. Moore, the result of Jackson subjecting her to constant abuse; imposing an endless and never-ending fear that a beating may be coming at any time, day or night (she told me that she felt that she “was constantly walking on eggshells”) and making her emotionally dependent so that she has no outlets for joy or solace except Mr. Jackson.

Kirkwood (1993) has another metaphor that is just as helpful in understanding Ms. Moore’s plight: the “spiral.” The strands in the spider’s web are farther apart at the outer edges, so the fly finds it easier to escape. Toward the center, the strands are tightly packed and work together to hold the fly in place. Based on my interview with Ms. Moore, it appears that the factors that brought her spiraling toward the center, making it more difficult for her to escape, include low self-esteem, a low sense of self-identity, depression, anxiety, and a loss of hope.

To quote Kirkwood (1993), “the use of emotional abuse and physical violence acted to reduce the resources on which a woman might draw to challenge her partner’s control or leave an abusive partner” (p. 73). To also quote Angela Browne (1987), author of the ground-breaking book *When Battered Women Kill*, Ms. Moore’s “despair and terror as this spiral of violence intensified, coupled with the effects of repeated assaults and injuries on her physically and cognitively, led to a sense of entrapment and desperation... A more basic question of survival and escape became the focus” of Ms. Moore’s life when she fired the gun. Browne also reminds us that when considering why a battered woman kills, “The *combination* of events in abusive relationships is often as important as the homicidal events themselves” (p. 107).

After reviewing the above evidence, I wrote a report stating that Ms. Moore shot Jackson in self-defense and that she is not a homicidal person who engaged in mutual combat with him. Rather, her behavior was an act of survival based on an evening of terror and having to endure two years of torture at the hands of Ms. Jackson.

Ms. Moore pleaded guilty to manslaughter in the first degree while under extreme psychological stress and received a sentence of 18 years in prison. She moved the trial court for application of the domestic violence exemption to the violent offender statute but her motion was denied. She appealed that determination and due in large part to my report and expert testimony, on June 23, 2023, judges affiliated with the Commonwealth of Kentucky Court of Appeals

announced, “We reverse the trial court and remand this matter for entry of an order finding Moore is entitled to the exception.” The judges also stated:

We hold that the trial court erred when, after finding that Moore was a victim of domestic violence, it did not find the shooting of her abuser was “with regard to” the abuse she suffered. The court erred when it failed to give any credence to the expert testimony of a sociologist with over thirty-five years of study in violence against women. The court also erred in first accepting a plea to manslaughter in the first degree under an extreme emotional disturbance and then in finding that the shooting was not “with regard to” that same trigger, to wit, domestic violence. We reverse with instructions to enter an order finding Moore is entitled to the exclusion in KRS 439.3401(5) for victims of domestic violence from the parole restrictions for violent offenders.

This decision is a monumental victory, but there are more obstacles to overcome. Ms. Moore is still behind bars because the Kentucky Attorney General’s Office is petitioning the Kentucky Supreme Court for review of Moore’s case after the Court of Appeals decision. I am, though, optimistic and my expert witness work continues to be held in high regard by public defenders in Kentucky. My confidence stems mainly from the fact that I recently helped get another Kentucky women (Dana Caldwell) who shot and killed her abusive partner on September 29, 2020 released from prison. I wrote an expert report in March 2022 and it facilitated Ms. Caldwell working out a plea deal at mediation, which, in turn, resulted in her getting paroled last year. Stated in an April 18, 2024 email sent to me by her attorney Emily Swintosky, “The report you wrote for Dana was crucial in that felony mediation. She is now off supervision, back living in Eastern Kentucky with family, and doing very well.”

The Work Continues: Using Coercive Control as Legal Defense³

I am currently working on three more cases involving abused women in conflict with the Kentucky criminal justice system, two of whom were compelled by their now estranged male partners to commit drug and property crimes. Though I am now not at liberty to reveal precise details of these cases and the names of those connected to them, I can disclose that the women I am assisting, like Ms. Moore and millions of other abused rural women in the U.S. and elsewhere, were, over time, on top of being physically and sexually abused, controlled by a form of psychological abuse that creates what Fontes (2015) labels *invisible chains*. Often referred to as *coercive control*, it has been identified as an integral feature of thousands of intimate relationships since the early 1980s (Barlow & Walklate, 2022; Stark, 2023). It is almost exclusively perpetrated by men against women and usually involves nonphysical behaviors that are often subtle, are hard to detect and prove, and seem forgivable to people unfamiliar with the

³ The second part of this heading is a modified rendition of one featured in Barlow and Walklate’s (2022) book on coercive control.

dynamics of violence against women (DeKeseredy et al., 2017). Common examples are intimidation, isolation, stalking, threatening looks, substance use, withholding affection, criticism, and microregulating a woman's behavior (Hester et al., 2024; Kernsmith, 2008; Larance, 2024; Myhill, 2015; Stark, 2023).

Coercive control is also a clinical/psychological concept, heavily grounded in advocacy and practice (Barlow & Walklate, 2022), especially in the innovative work done by the late Evan Stark who was the pre-eminent expert in the field.⁴ Based on decades of research, he (2023) shows that coercive control “is the most common and devastating means used to subjugate women in personal and family life” (p. ix). Additionally, coercive control by men, as empirically documented by numerous studies done in the U.S., Australia, Canada, and the U.K.⁵, can form pathways into criminal activity for many women. It is, in fact, one of the strongest predictors of numerous women's co-offending. As stated by a person Dewey et al. (2019) talked with in a rural Wyoming gas station, “You working at the prison? Every one of them women is in there because of a man” (p. 1). Confirming this person's claim is the fact that Dewey and her colleagues found that the female inmates they interviewed “struggled throughout their lives with poverty and abuse from family members and intimate partners who made them fear for their safety, eroded their self-worth, increased their likelihood of self-medicating with drugs and alcohol, and caused them long-term damage, sometimes in ways that further isolated them from potential sources of social and economic support” (p. 1). Sadly, two of the three cases I am currently involved with show that the women I am assisting fall into this category of women in conflict with the law.

It is not only researchers, woman abuse survivors, and practitioners who see coercive control as a devastating attack on women's personal liberty. For example, in 2015, legislators in England and Wales passed the *Serious Crime Act* (SCA 2015) that, in Section 76, created the offense of controlling or coercive behavior in intimate and/or family relationships. This crime can be tried summarily or on indictment, and it has a maximum penalty of five years' imprisonment. Although the law has mechanisms for violent acts like simple or aggravated assault, it tries to fill a gap by criminalizing perpetrator behavior that involves psychological or emotional torment taking place repeatedly or continuously and that has a “serious effect” on the victims. This serious effect is defined as meaning that it has caused victims to fear violence will be used on them on at least two occasions or has had a substantial adverse effect on the victims' daily activities. The law has provisions that try to draw the line between reasonable actions and coercive attempts to control an intimate partner's life. The act also applies to men who control or who try to control women through surveillance apps, or try to keep them from socializing with friends, co-workers, relatives, etc. (Home Office, 2015).

⁴ As Richard Sandomir (2024) wrote in his *New York Times* obituary for Stark, his “research on coercive control has helped revolutionize the field of domestic violence” (p. 2).

⁵ See Barlow and Walklate (2022) for a review of these studies.

Women's Aid⁶ and other women's organizations energetically campaigned to develop this law, and they view it as a landmark moment in the U.K. approach to violence against women. Even so, echoing Stark's (2023) concerns, Women's Aid recognizes that this law is not enough; it must be accompanied by efforts to raise public awareness and training for providers in the field (DeKeseredy et al., 2017). The problem is that, as in North America, service providers and criminal justice officials are too often fooled by men who engage in coercive control. First responders like the police are commonly faced with offenders who manipulate interactions with them by *gaslighting* (Sweet, 2019). This technique, as documented by Larance (2024), "is used by the coercively controlling partners to strategically capitalize on their victim's vulnerabilities by denying, omitting, or distorting incident details, therefore effectively manipulating the survivor and steering the police response" (p. 7). Numerous offenders are also adept at appearing rational and calm when talking to the police and can convince them that their traumatized and badly frightened partners are unstable and are presumably exaggerating their descriptions of what was happening (Bancroft, 2002; DeKeseredy et al., 2017). Training first responders and judicial figures on this dynamic, many feel (e.g., Larance, 2024), will at minimum make them aware that this happens and encourage them to look deeper into the circumstances.

Coercive control is now legally recognized as a variant of violence against women in some parts of the U.S. For instance, in the spring of 2024, New Jersey Governor Phil Murphy signed a bill into law that now requires courts to consider a pattern of coercive control when determining whether to issue a domestic violence restraining order (see <https://www.njcriminaldefensellc.com/coercive-control-now-recognized-as-domestic-violence-in-new-jersey>). Also consider that in September 2020, Hawaii Governor David Ige signed H.B. 2425 that added coercive control to the definition of domestic abuse as it relates to insurance laws and protective order statutes. Shortly after, California revised its Family Code to permit coercive control to be used as evidence of intimate partner violence in family court. A survivor can now get a protection order against an abuser based on his coercive control behavior. Of direct relevance to three cases I am now working on in rural Kentucky is that in this state HB 276 (Enacted, 2017) defines domestic violence as a "pattern of physical, sexual, psychological, or environmental coercive control."⁷

In a recent expert witness report I wrote for the legal team representing one of the aforementioned three women, I made explicit that in the United Kingdom, a woman's murder conviction was quashed on appeal because of the trauma caused by coercive control. Sally Challen was convicted of killing her abusive husband in 2011 and sentenced to 22 years imprisonment. In February 2019, however, the England and Wales appeal court overturned her conviction based on sound evidence of coercive control, and a retrial was ordered. Then, in June

⁶ Women's Aid is a national charity that provides services to abused women and children across England. Its sister federations offers services in Northern Ireland, Wales, and Scotland. More information is available at <https://www.womensaid.org.uk>

⁷ See https://mgaleg.maryland.gov/cmte_testimony/2022/jud/17UK07nGbQXW6Y03IGiQi3oipDqyrEx2t.pdf

2019, prosecutors accepted Ms. Challen's plea to manslaughter and she was sentenced to 14 years imprisonment. She was, though, released because of time already served.⁸

Coercive control is seen as a key determinant of women's offending in the United Kingdom government's *Female Offender Strategy* (Ministry of Justice, 2018). More specifically, it states:

We recognize the major part that domestic abuse can play in female offending. This abuse can take different forms, including coercive and controlling behavior. Being a victim of domestic abuse is a predictor of violent reoffending among women. Almost 60% of female offenders supervised in the community or in custody, who have an assessment, have experienced domestic abuse (p. 11).

Informed by the above point and a large body of research, I am, together with some public defenders, working hard to convince prosecutors in two of the above three new cases that the law needs to take seriously the reality that, as declared by Barlow and Walklate (2022), "The nuances involved in [women] being coerced into crime are not separate or separable from coercive control... In some ways, being coerced into crime could simply be viewed as another coercive technique that perpetrators use to gain control in a relationship" (p. 24).

There is clear evidence of this in two cases I am currently working on. For example, one woman currently behind bars in a rural Kentucky jail (Ms. Y) has, along with her ex-boyfriend (Mr. X), been charged with auto theft, first-degree robbery, and murder. In addition to talking at length with her, I specifically asked her about her partner's coercive control tactics, 20 of which were crafted by Hester et al. (2024) for the Crime Survey for England and Wales. Ms. Y answered "yes" to 11 of them (and added important contextual information to her responses), which helps make sense of her pathways to the offenses she committed and of her experiences of coercive control victimization. Below are her answers to these 11 questions:

- Mr. X usually made "all the big decisions" in their relationship.
- Mr. X usually defined Ms. Y's role or duties in their relationship.
- Every day, during their relationship, Mr. X deliberately deprived Ms. Y of her basic needs like food, sleep, internet, email, or medical assistance.
- Every day during their relationship, Mr. X controlled, or tried to control Ms. Y's spending or access to shared income or benefits.
- Daily, Mr. X stole or took Ms. Y's money.
- Every day, Mr. X prevented, tried to prevent, or made it difficult for Ms. Y to work.
- Mr. X occasionally insulted, belittled, or humiliated Ms. Y, either in public or in private.

⁸ See Stark (2023) for more information on this case.

- Most days, Mr. X would monitor who Ms. Y talked to or where she went.
- Every day, Mr. X would stop or discourage Ms. Y from seeing or talking to family, friends, colleagues, or children by telling her not to, or making it difficult for her to do so.
- Mr. X often threatened to kill somebody.

Still to this day, underreporting remains the biggest methodological challenge researchers face when they conduct studies of any type of male-to-female violence (Smith, 1987). Many female survivors do not disclose their current or former partners' abusive behaviors because of fear of reprisal, reluctance to recall traumatic events, memory error, embarrassment, deception, the belief that some assaults are too inconsequential to mention, and for other reasons (DeKeseredy, 2019; DeKeseredy & Schwartz, 2013). Still, there are effective ways to minimize underreporting and one is to use multiple measures of abuse (DeKeseredy et al., 2021; Smith, 1994). Hence, after asking Ms. Y the above and 10 other questions, I asked her six more questions about coercive control that are included in the Domestic Abuse, Stalking and Honor Based Violence (DASH) Risk Assessment and Management Model⁹, which is used by all police departments in the United Kingdom and other agencies, such as non-governmental organizations (NGOs) and local government agencies (Payton et al., 2017). Ms. Y answered “yes” to four of them (and added contextual information) as documented below:

- Mr. X withdrew affection daily.
- Every day, due in large part to his drug use, Mr. X changed his mood for no reason.
- Every day, Mr. X threatened to ruin planned events.
- Mr. X drove his car in a dangerous way daily.

Ms. Y provided additional information about Mr. X's coercive control tactics that was not included in her answers to the above questions. For example, she told her legal defense team that “Mr. X preyed on the weak. He used me for drugs and sex.” Further, she did not start using methamphetamine or heroin until she became intimately involved with him. As she puts it, “I was blindsided by him. I was in love with him. He always had drugs because he ripped everybody off and he was always high and doing more drugs. She also revealed to her attorneys that she now feels that they were essentially sex partners who got high together and who were not in a meaningful, equitable relationship.

Forty years of rigorous international research shows that men like Mr. X who engage in high levels of coercive control are at great risk of killing their current or former female partners (Ferguson & McLachlan, 2023; Dobash & Dobash, 2015; Guruge et al., 2020; Stark, 2023). This influenced me to also administer the Danger Assessment tool to Ms. Y and her score revealed “increased danger” of being killed. As well, based on my review of Ms. Y's responses to the Danger Assessment, facts that emerged during my interview with her, and evidence offered by

⁹ See https://safelives.org.uk/sites/default/files/resources/Dara_briefing_Multiagency%20partners.pdf

her attorneys, Mr. X had these and other characteristics that put him at elevated risk of killing Ms. Y:¹⁰

- Possession of weapons.
- Stalking behavior.
- Jealously and possessiveness.
- Heavy use of alcohol and drugs.
- He was unemployed.
- He sent out verbal and nonverbal signals that he could kill Ms. Y

In sum, Ms. Y's case and another one I worked on in the summer of 2024 highlights the important link between women's risk of being killed, their coercive control experiences, and the crimes committed with intimate male partners. Consistent with what was found in previous research on issues covered in this article (e.g., Barlow & Weare, 2018), other factors like substance abuse and economic exclusion intersected with Ms. Y's coercion into crime, which is another common finding in the extant criminological literature on co-offending women (Barlow & Walklate, 2022).

Some Final Observations

I have learned much from my work as expert witness for abused women in conflict with the law, but I do not claim to have a "monopoly of knowledge"¹¹ or, in other words, to "know it all" when it comes to recommending how progressive academics should assist abused women in rural legal arenas. What I can confidently state, nonetheless, is that my experience provides a small amount of evidence showing that rural critical criminologists can effectively help public defenders in their efforts to aid women like Ms. Y and others in similar situations. I can also safely assert that, contrary to what Barak (1980), among others (e.g., Reiman & Leighton, 2023), claims, the work of public defenders does not always "more often than not reflect the interests of the state and not those of the accused" (p. 118). It is true that public defenders are employees of the state, but as Ian Taylor (1981), one of the pioneers of *left realism*,¹² observes, "the state is no longer merely the 'nightwatchman' of capitalist society." He also rightfully notes that there are opportunities to "formulate demands requiring the state to act as guardian of human rights and social needs rather than acting merely as a manager of unequal societies" (p. xvii). The public defenders I am connected to are heavily informed by feminist ways of knowing and work

¹⁰ See DeKeseredy et al. (2017), Jaffe et al. (2020), and Walklate et al. (2020) for reviews of the research on these risk factors

¹¹ Canadian political economist and economic historian Harold Innis (1951) developed the concept of *monopolies of knowledge* (Comor, 2017). For Innis, such monopolies develop with the ruling class maintains political power through control of major communications technologies (Watson, 2006).

¹² See DeKeseredy (2022) and DeKeseredy and Schwartz (2018) for more information on this variant of critical criminological thought.

tirelessly to demand that prosecutors and judges, who are also state employees, recognize the plight of battered women and treat them fairly. Returning to Taylor, that public defenders are able to hire left-wing scholars like me using state funds and that they are occasionally successful in their legal battles exemplifies that “Nowhere is the contradictory character of law, as an oppressive instrument of a particular social interest as well as an immediately important area of struggle, more apparent in the relationship of law to women” (p. 180).

It is through the state that the position and role of men and women and their relationship with society is defined, institutionalized, and challenged (MacKinnon, 1989; Swyngedouw, 1996). Furthermore, the legal expert work briefly described here support the left realist assertion that the state is not entirely patriarchal and that state institutions do not always function as a tools or instruments to promote the interests of the ruling class (DeKeseredy & Dragiewicz, 2013). There is now growing evidence, much of it provided by left realists (e.g., DeKeseredy & Currie, 2019; DeKeseredy & Schwartz, 2018), that the state can occasionally help reduce class, gender, and racial/ethnic inequality. What is more, my legal work and research on topics like the Rivonia Trial¹³ demonstrate that the courtroom is often “a space of resistance” (Allo, 2015). Still, much more work needs to be done to sensitize judges and prosecutors to how these three inequalities contribute to woman abuse and undermine women’s ability to escape dangerous relationships.

The moral of the story told here is that criminal courts do not, as claimed by some critical criminologists (e.g., Reiman & Leighton, 2023), only function on behalf of powerful interests. In reality, the courtroom in this current era creates what Taylor (1981) defines as a “political place” and left-wing critical criminologists, regardless of whether they examine crime, deviance, and social control in metropolitan or nonmetropolitan contexts, “must enter this space” (p. 211). Documented here and in a vast feminist literature on woman abuse, a progressive criminology can be, in the words of Taylor, “constructed in practice, through the different fragments that are working towards explicitly socialist [and feminist] goals and also within established institutions” like courts (p. 212). What part will you choose to play in the struggle to make the administration of criminal justice for rural abused women more equitable?

¹³ The Rivonia Trial took place in apartheid-era South Africa between October 9, 1963 and June 12, 1964 after a group of anti-apartheid activists were arrested on Lilliesleaf Farm in Rivonia. See Allo (2015) for more information about this trial.

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