



WHY DOESN'T SHE LEAVE?

EXAMINING THE ROLE OF VIOLENCE AND
COERCIVE CONTROL IN DOMESTIC ABUSE
CASES IN SWEDEN

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Cengic, A. Why Doesn't She Leave? Examining the Role of Violence and Coercive Control in Domestic Abuse Cases in Sweden. *Degree project in Criminology 30 Credits*. Malmö University: Faculty of Health and Society, Department of Criminology, 2020.

Background. The current narrative of IPV places heavy emphasis on physical violence. Some scholars have criticized this claiming that most abuse is not violent, rather it is characterized by coercive control tactics, such as isolation and intimidation.

Aim. The purpose of this study is to examine how domestic abuse is defined in the Swedish courts regarding Gross Violation of a Woman's Integrity. Do the courts recognize coercive control, or is the focus mainly on violence?

Results. By conducting a content analysis on verdicts from the two highest courts in Sweden, this study concludes that although less serious indications of abuse are recognized to some extent, the courts tend to focus on physical violence and bodily injury. This paper questions the usefulness of this definition by criticizing it from a feminist perspective. In the long-term, this does nothing for victims of IPV. A shift in narrative is needed to identify unseen victims of abuse.

Keywords: Intimate Partner Violence, Coercive Control, Domestic Abuse, Physical Abuse, Wife-Battering, Grov Kvinnofridskränkning

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ABBREVIATIONS

BWS – Battered Woman Syndrome

GVI – Gross Violation of Integrity

GVWI – Gross Violation of a Woman’s Integrity

HD – Högsta Domstolen, the Supreme Court of Sweden

HovR - Hovrätten

IPV – Intimate Partner Violence

Prop. – Government bills, short for “proposition”

Roks - Riksorganisationen för kvinno- och tjejjourer i Sverige. English: National Organization for Women’s Shelters and Young Women's Shelters in Sweden

SOU – Government Commissions of Inquiry. In Swedish: Statens offentliga utredningar.

INTRODUCTION

Domestic abuse is a serious problem that most people would recognize as a societal issue. However, this has not always been the case. When the first shelters opened in the 1970's in the USA, domestic abuse was a normal part of life that women had to learn to live with [1]. Thanks to feminist activists that led the domestic violence revolution, society's view changed, and considerable resources were invested in interventions and training service professionals to recognize domestic abuse.

In Sweden, the most influential changes to legislation and public opinion started in the 1990's with the recognition of domestic abuse as a societal issue. The creation of a national knowledge center would serve as a database for male violence against women and other gendered crimes [2]. Like most other places in the world, there was an emphasis on physical violence, which became synonymous with the image of the battered woman. This tactic helped to increase public interest and prompted policy makers to act by changing legislation.

Despite these positive changes, Stark [1] notes that very little improvement has been made to identify and prevent domestic abuse in the long run. The major problem lies in the failure to recognize coercive control as the most common, and most devastating, type of abuse. Even in the absence of physical violence, abusive males often use different tactics to control and subjugate their partners, diminishing their value of life to such an extent that the sheer thought of violence is enough to make them comply. For long-term success, Stark argues that societal institutions need to refocus their efforts into battling coercive control.

Aim of the Study

The aim of this study is to examine what role coercive control plays in the domestic abuse law in Sweden. The research questions for this study are:

- How is domestic abuse defined and used in the court verdicts regarding Gross Violation of a Woman's Integrity?
- Does there have to be some sort of explicit violent component in the case for conviction?
- Do the courts recognize coercive control?

BACKGROUND

In the early 1990s, the Swedish government took an interest in examining crimes committed against women. The umbrella term "sexualized violence" – a form of gender-specific crime, with or without sexual components – was used to describe various crimes that targeted women. Thanks to women's rights activists, these crimes were brought to the attention of policy makers who deemed them to be a serious societal issue that needed to be dealt with structurally. [2,3]

In 1993 the Ministry of Health and Social Affairs requested a commission to examine violence committed towards women called Kvinnovåldskommissionen (Commission for Violence Against Women) [2]. The aim of the commission was

to compile current knowledge about sexualized violence from a female perspective.

Findings from the commissions first report in 1994 were centered around patriarchal societal structures with heavy emphasis on the subordination of women [2]. A knowledge center – established at Uppsala University Hospital – was suggested for compiling knowledge and resources regarding the issue. This center would also work to constantly expand knowledge on the issue and serve as a public educational tool.

In the final report in 1995, the commission suggested changes in the criminal statistics which would help identify and analyze known cases of sexualized violence [3]. It was decided that the current law needed to be rewritten to better reflect contemporary societal norms. This would be achieved by changing the linguistics and terminology, but also by implementing a new law: Gross Violation of a Woman's Integrity (GVWI).

Gross Violation of a Woman's Integrity

Research done by Kvinnovårdskommissionen showed that, unlike what was previously assumed, sexualized violence is not a single detached incident, rather it is a process of systematic physical and psychological violence and threats [3]. Actions within this process are not always illegal in themselves but when together they create a hostile and abusive environment of repeated violations. Due to this, the legal system cannot be constructed in such a way that it ignores this important aspect.

In July 1998, the law of GVWI came into effect. The aim of GVWI was to criminalize the whole process behind sexualized violence towards an intimate partner [3,4]. All of the actions within this process do not need to be criminal in themselves, as long as they are aimed to violate a woman's self-esteem and integrity. Furthermore, victims do not need to be able to recant every single detail for conviction. However, there needs to be an element of violence, threats or other physical harm directed towards the victim [4].

Changes in Legislation

The first suggested change in GVWI came by the end of year 1999. After Högsta Domstolen (HD) – the highest level of the court system – had tried its first case in March that same year, it was suggested that a change in linguistics was needed. In this case, HD interpreted that actions that were not laid out in the indictment were *mandatory* for conviction and suggested that the law should be rephrased. In practice this would mean that actions that were not laid out in the indictment *could* be included as evidence of a process of repeat violations, but it was not necessary for conviction. HD decided that this did not go against the legal doctrine of *ne bis in idem* (twice convicted of the same thing), as they would serve as a tool to enlighten the court of previous actions committed by the accused. [5]

The second change to the GVWI law was suggested in 2008 when stalking was criminalized and added into the description of the GVWI law. Up until then, stalking in itself was not seen as a crime. However, isolated events, such as threats, could be prosecuted alone. The new stalking law was based on the same principle as GVWI, where the whole stalking process became criminalized. [6]

Evaluating the Law

By 2010 it was decided that GVWI needed to be evaluated to see if it had achieved its main goals, and to see if there were any problems with interpreting the law [7]. The main questions posed were: did the law ease conviction by identifying processes of abuse, and what exactly constitutes repeat violations? Furthermore, the evaluation would also consider increasing the mandatory minimum sentencing [8].

The evaluation concluded that a majority of the primary goals had been achieved and therefore, there was no need to change the phrasing of the law [9,10]. In practice, this means that harsher sentencing has been applied since the courts have been able to criminalize the whole process of abuse. However, the evaluation added that there was a need to add additional crime types into the law of GVWI, such as violations of restraining orders and criminal damage [9].

Regarding minimum sentencing, it was decided that an increase would be inappropriate since GVWI is a crime type that varies greatly from case to case [9]. The courts should instead be entrusted with more discretionary power. In practice this means that the courts are less restricted by rules and policy and are able to use their professional judgment to a higher extent [11]. Furthermore, it was argued that increasing the minimum sentencing could lead to courts being more restrictive with sentencing [10].

Due to the dynamic nature of the crime, some guidelines needed to be set so that the courts are not assigned incalculable tasks. First, the individual actions within the process of abuse need to be encompassed in chapter 3, 4 or 6 of the Swedish Criminal Code¹. Second, the actions need to be directed towards a partner or a previous partner with whom they have lived with; if this criterion is not met, the crime should instead be classified as Gross Violation of Integrity (GVI). Finally, each one of the individual actions must have been part of a process of repeat violations aimed to harm the victim's integrity and self-esteem. At least two incidents are needed to prove intent, but the amount needed varies depending on severity. Victims are not required to recall every incident in detail, however, a time frame needs to be established. [9]

Critique Towards GVWI

Most of the convictions for GVWI consist of relatively severe actions [9]. Although the report concluded that the criteria for evaluating the whole process of abuse had been met, it received criticism from Riksorganisationen för kvinno- och tjejjourer i Sverige (Roks) [12]. They conclude that the criterion of criminalizing the whole process was not met since only more serious crimes are prosecuted. Roks indicates that despite the increase of reporting of GVWI, convictions have not increased in the same rate. Adding to this that only about 20-25 % of all violence against women is officially reported, most offenders elude prosecution.

According to Roks, the reason the criteria has not been met is due to the failure to acknowledge the structural aspect of the crime. In the preface of the law, the chosen wording is gender-neutral, which omits the gender-specific foundation of the crime. Roks had suggested that the preface should be written gender-specific,

¹ More information about the Swedish Criminal Code in English can be found on the Government Offices of Sweden's website.

but policy makers rejected this. According to Roks, several of the existing problems could have been avoided if this had been followed. Furthermore, the law has not been successful in its understanding of the normalization process of domestic abuse, which is a well-established factor with today's knowledge and research. [12]

The Subjugation of Women in Personal Life

The Swedish response to intimate partner violence (IPV) is not the only one that has been criticized. Evan Stark writes about the modern-day global approach to IPV and its failure to address these issues proactively [1]. According to Stark, there is a big disparity between current practice and the experience of abused women. Due to the dominant narrative, women that are not physically injured by their partners are often not taken seriously. This leads to officials not being able to respond to their cries for help until it is too late.

Stark portrays a different image of abused women, centered around them being intimidated, isolated, and controlled by their partners, which he describes as the subjugation of women in every-day life. Through coercive control, abusive men assert authority over their partners in ways that current legislation does not take into consideration. [1]

Men's violence against women is still a fairly new field of research that got its first upswing with the modern feminist movement [13]. Compared to crimes committed in the public sphere, IPV has gained little public and academic attention [11]. Even less attention has been given to coercive control and the role it plays in IPV. This has labeled domestic crimes as less serious, or even normal, meaning that abuse victims have had a hard time gaining legal recognition.

Due to the normalized view of domestic abuse, feminist activists have had to work hard for legal recognition. A major factor to this was the low priority police attributed to domestic calls. Arrests were rarely made as the police saw violence in low-income and minority families as normal day-to-day occurrences, which only wasted police resources. Therefore, the police helped in normalizing violence towards women, sending the message that minor violence towards women could be committed without any legal consequence. To combat this, activists had to find a way to get through to the legislators and general public about the seriousness of IPV. Equating abuse with physical force helped activists draw attention to domestic abuse, but it failed women in critical ways, by making the definition of IPV too narrow. [1]

International Legislation

In 2015 the Women's Aid in UK successfully campaigned for the criminalization of coercive control in England and Wales, becoming the first countries to do so [14-16]. By implementing the *Serious Crime Act 2015*, controlling and coercive behavior was now punishable by up to five years in prison [15,16]. It shares some similarities with GVWI by recognizing that IPV is a highly gendered crime, and by criminalizing the whole process of abuse, but it differs in a key point; the victim and the abuser simply need to have a "personal connection" at the time when the abusive behavior takes place. Citing Stark's work [1], the new bill aims to bridge the gap between current legislation and the lived reality of abused women.

Following the success of implementing a new law in England and Wales, Scotland and Ireland soon followed suit [17,18]. In 2019 the *Domestic Abuse (Scotland) Act 2018*, and *Domestic Violence Act 2018* in Ireland, were implemented. Unlike the legislation in Sweden, England, and Wales, the Scottish does more than just recognizing that IPV is gendered, they have achieved this by making the law gender specific.

PREVIOUS RESEARCH

In this chapter I will show previous research related to IPV. I will first present the foundation that laid the groundwork for the theory of coercive control. I will then move on to explaining Stark's view on IPV. Finally, this chapter will end with presenting studies about coercive control.

The History of the Battered Women's Movement

Social worker and feminist activist Susan Schechter wrote an extensive book about the history of the battered woman's movement [19]. Starting off from 1974, when the first battered women's shelters opened in the USA, Schechter compiles a historical overview of the advancements within the field that were led by feminist activists. Schechter makes it very clear that the gender-specific nature of domestic abuse must not be forgotten.

Furthermore, Schechter highlights the importance of battered women's shelters and their ability to drive the feminist movement together with abused women. By taking on the fight themselves, small groups of local women were able to change their communities in astonishing ways that paved the way for modern feminist activists.

Male dominance is the center of all the stories presented in the book [19]. Theories such as victim provocation theory are heavily criticized for their inability to explain male domination, and sexist behavior and ideology. Physical violence is described as the extreme form of male dominance, but even this early in the movement, activists and practitioners were aware of it not being the only means of control.

Common Couple Violence and Patriarchal Terrorism

Sociological work of IPV can broadly be divided into two categories: the family violence perspective and the feminist perspective. Results from these perspectives tend to differ, although the perspectives sometimes overlap in methods and theories. According to Michael P. Johnson, this disparity stems from the fact that they are studying different phenomena. [20,21]

According to Johnson, there are two types of IPV: common couple violence and patriarchal terrorism. Common couple violence is described as having both male and female perpetrators and is the focus of the family violence perspective. Violence is usually the result of a fight getting "out of hand" [20 p. 285]. Patriarchal terrorism, on the other hand, is the focus of the feminist perspective. It involves both physical violence and controlling behaviors such as isolation and threats. Violence stems from male perceived superiority and the need to subjugate women. Johnson chooses to call this patriarchal terrorism, as opposed to terms

such as *wife beating*, to shift the focus to the perpetrator, and to highlight its structural nature. [20,21]

Johnson's view on patriarchal terrorism, together with the research laid out by Schechter, is the foundation for Stark's model of coercive control, which will be described in further detail below.

The Battered Woman Syndrome

Living with violence will undoubtedly lead to the development of adverse side effects, which scholars have chosen to call the *Battered Woman Syndrome* (BWS). BWS is a series of negative symptoms – stemming from a theoretical basis shared with PTSD – which arise from living with abuse and violence. The majority of all IPV cases feature a female victim and a male perpetrator. Men are also sometimes abused by their partners, but the consequences of their victimization has not been linked to trauma. [22]

American psychologist, and founder of the Domestic Violence Institute, Lenore Edna Walker wrote about BWS in her book *The Battered Woman Syndrome* [22]. Like other feminist scholars before her, Walker's view is centered on male dominance. She further acknowledges its structural nature and highlights the difficulties in solving this due to sexist barriers posed to women. Furthermore, her studies on BWS show that women find the psychological abuse to be worse than the physical battering, but they do not always identify themselves as victims of domestic abuse if there is no physical violence present.

The Cycle of Violence

BWS can be divided into three stages, called the circle of violence. The first stage involves a rise in tension and danger; in the second stage the tension escalates and manifests itself with physical abuse; finally, in the third stage, the abuser tries to repent by showing love and affection. In the third stage, the abuser may feel remorse and the abused woman often wants to believe that this was a one-off incident. [22]

Most abused women report that their relationships start off as loving, but slowly develop into controlling, coercive, and abusive over time. By the time that abuse manifests, women report that they are already committed to the relationship and find it hard to separate. Furthermore, their belief in that the man is actually good on the inside is a further incentive for the woman to stay. [22]

Learned Helplessness and Learned Optimism

An important aspect of BWS is the theoretical concept of learned helplessness, which refers to the victim's inability to leave an abusive situation. This is a consequence of repeat victimization, which leads to victims being unable to respond. Walker describes this as a trade-off where victims develop coping strategies as a survival tool [22]. Until this state-of-mind is broken, abused women will not see escape as an alternative.

The formulation of this concept received some criticism due to the phrasing. Therefore, learned optimism was introduced as a synonym. Learned helplessness has been used successfully in courts, namely as the *Battered Wife Defense*, for the benefit of the battered woman. This has been especially successful in cases where

the abused woman has resorted to violence as a desperate final act to separate from an abusive partner. [22]

The Normalization Process of Violence

Eva Lundgren's research has been the basis for policy and practice in Women's Shelters in Sweden. She describes violence in IPV as a process that slowly becomes normal, for both the abuser and the victim [23]. Violent relationships rarely start off as violent; rather they progress and evolve making it hard for the victim to distinguish the pathological from the normal. Lundgren calls this the normalization process of violence [23]. With this she aims to highlight the structural aspects of IPV; male dominance, and female subordination. Violent outbursts are not one-off incidents that can be attributed to low impulse-control or uncontrollable anger; rather it is planned, calculated, and enhanced by periods of isolation and affectionate behavior. This also explains why so many victims find it hard to leave their abusers since they are both loving and controlling.

Lundgren is critical to systems theory and its heavy use of individual factors to explain IPV. Systems theory fails to recognize that there is no average abuser; they do not share childhood trauma, nor do they have other common traits. IPV can *only* be understood from a feminist perspective of male perceived superiority, female subordination, and the maintenance of this dynamic. [23]

Why Does She Leave?

Inspired by earlier feminist work – and particularly the work of Lundgren – Carin Holmberg and Viveka Enander also highlight the structural aspects of IPV. They are critical to the emphasis on the victim and her actions, which inadvertently blames the victim for her own victimization. Questions posed are usually directed towards the woman and inquire about why she does not leave the abusive relationship. By turning this question around and asking why she *does* leave, Holmberg and Enander aim to move away from this established consensus. Due to the normalization process of violence, the authors claim that women normalize, excuse, and accept the violent behavior from their partner. [13]

In their study, they choose to focus on the process of separation, and how women find the strength to leave [13]. Their analysis focuses on the emotional aspect of the relationship, rather than economic inequality and socioeconomic status. Due to the relative equal status between men and women in Sweden, most people are free to choose their own partner out of love. Therefore, the authors conclude, that it makes more sense to study IPV from this perspective.

The separation process is complex and dynamic, consisting of several different emotional aspects that makes it difficult for the woman to leave [13]. Some women feel shame of being “bad” partners, blaming themselves for being abused, while others feel shame from not having the strength to leave. Some feel a strong emotional bond to their partners and think that they can change them. Others fear the repercussions of leaving, choosing to stay out of fear that something even worse will happen if they leave.

Adaptation as a means of survival is the factor that all the studied victims share. Women develop tactics to stay alive, or to avoid serious injury. Adaptation is tightly bound to resistance, which is divided into three categories: breaking up, which is the actual break-up; emancipation, which is the emotional equivalence of

breaking up; and acceptance, where she understands and accepts that she was a victim of IPV. Together, these three factors can create a turning point where the victim finds incentive to leave for good. [13]

Stark's View on IPV

Coercive control is by no means a new concept, but it has been popularized in contemporary work of IPV by Evan Stark. In his book *Coercive Control – How Men Entrap Women in Personal Life*, Stark creates a framework for understanding IPV by questioning today's model of partner abuse and its heavy emphasis on physical violence [1]. According to Stark, this approach fails women since the nature of IPV is much more dynamic and does not necessarily fit into the current image of the battered woman. The consequence of this is that abuse victims are not given proper legal standing since their victimization is not seen as serious enough to call attention to.

Although non-violent aspects of IPV are recognized to some extent, Stark claims that the description of psychological abuse is still insufficient in framing the main aspects of control and its periodic, ongoing nature. Offenders create a hostile environment for their partners by entrapping them, which makes victims feel isolated and left without a choice. Through coercive control abusers do not need to use physical violence to instill fear and power over their partners.

Coercive Control

As mentioned above, coercive control is not a new concept and has been present in IPV ever since the first battered women's shelters in the western world opened. The Power and Control Wheel in *Appendix 1* illustrates several non-violent components of abuse that are at the heart of coercive control. Offenders employ a variety of tactics within the spectrum of intimidation, threats, surveillance, degradation, shaming, and isolation to control their partners. By taking control of finances and resources, removing social support networks, and depriving their partners of self-respect, the victim is left feeling isolated and forced to submit simply by the implication of looming violence. Therefore, Stark argues, IPV should be viewed as a crime of liberty rather than a crime of assault. [1]

Although coercive control shares many similarities with liberty crimes, such as kidnapping, it differs in a crucial way; it is personalized, gendered, and extends over a prolonged period of time. Abusers are able to secure privileges by micro-regulating their partners down to the tiniest detail. Female sexual vulnerability is the main target and therefore, coercive control is highly dependent on patriarchal gender systems that favor male dominance. To be able to successfully combat coercive control, Stark argues that apart from individual measures, women's standing in society as a whole needs to be improved. [1]

The Golden Thread

Myhill and Hohl present in their paper a study of risk identification from an English police area [24]. The aim of the study was to test which aspect of domestic violence was most indicative of the lived experience of victims, comparing victims that have been physically injured with those being coercively controlled.

According to the authors, police are more likely to intervene when physical injury is present since the risk assessment tools used follow the violence model. With

this model victims are seen as being in danger if there are indications of physical violence or death threats; coercive control is rarely present, or low priority. However, the authors conclude that cases involving coercive control are more likely to result in serious harm, and that coercively controlled environments are more prevalent than physically violent ones. Therefore, coercive control is the “golden thread” of risk assessment.

Criminalizing Coercive Control

Walklate and Fitz-Gibbon bring a different perspective to the table with their study on the criminalization of coercive control, claiming that this new perspective comes with some difficulties; legislation alone is not enough to protect victims [25]. In fact, to some victims the criminalization of coercive control may pose new challenges since many of them have low trust in authority due to previous encounters with law enforcement.

Although they are not completely against the criminalization of coercive control, the authors are mostly critical of the increase in law responses to IPV [25]. Implementing a new law is no guarantee for an increase in convictions if the law is not correctly formulated and if first responders are not properly trained. Furthermore, the varying nature of IPV may result in difficulties in creating standard procedure since law enforcement needs to be sensitive to nuances in IPV cases. They conclude that being able to differentiate between positive commitment in individual relationships and entrapment is crucial for combatting the problem of coercive control. Being able to draw the line between a normal relationship and a controlling one is a difficult task, and we may have to look into alternatives to criminalization.

Digital Coercive Control

An Australian study from 2019 examines coercive control from a modern perspective. This study aims to examine how perpetrators use digital tools, such as digital monitoring and tracking, to surveil their partners. According to the authors, this is a devastating method since the victim will feel perpetually trapped. The authors propose the term digital coercive control (DCC) as a way to explain this phenomenon. [26]

Together with two domestic violence organizations, the study’s purpose was to identify the dynamics of DCC, how they affected the victims, and propose responses to them. The authors identified three themes to DCC: omnipresence, isolation, and ostracism. Omnipresence is the most common with victims experiencing constant surveillance to the point where they are always in a state of hyper vigilance. Furthermore, these tactics were even more effective on vulnerable cohorts, such as immigrant, indigenous, and disabled women. [26]

Assisting women that are victims of DCC is challenging since it is not widely recognized as anything more than a minor inconvenience. Victims fear that shutting their phone off, or changing their numbers, will make the abuser seek them out for direct contact instead. Furthermore, the victim blaming from courts and police that advise them to disengage from digital communication makes the victims even more isolated and vulnerable. A shift of focus from the victim to the perpetrator is necessary for long-term success in assisting victims of IPV. [26]

THEORETICAL FRAMEWORK

In this chapter I will present the theoretical framework used for data analysis. Theory is used to frame, analyze, and contextualize data for a deeper understanding of the results. Like preceding work on IPV, this study will place heavy emphasis on feminist theory.

What is Feminist Theory?

Feminist theory is perhaps best explained as an umbrella term for different types of research that is centered on gender inequality. In criminology, feminist theory also criticizes the focus on men as research subjects as the basis for criminological explanations of crime and justice. [11,27-30]

In its early state, feminist research was described as studies about women for women, but today feminism has progressed beyond that description [11]. Feminist theory is diverse and multifaceted; it is therefore hard to define it uniformly since there exists many different definitions and interpretations [27,29]. Ranging from liberal feminism to Marxists and critical feminism, proponents of these perspectives usually study different issues and disagree on their root causes. Despite their differences, feminist theorists do share some similarities in wanting to better women's lives by taking their needs and experiences into account [11]. In feminist research, women are not only seen as important research subjects, but they are also recognized for holding important information which should be used to better their lives; reciprocity is a key methodological component [11,27,29].

Another key component to feminist theory is that it is also a social movement; feminist scholars are simultaneously activists with the goal of promoting gender equality [27,30]. Finally, feminist theories also acknowledge that gender systems are at play in every aspect of social life and its processes [27].

Gender Systems

Gender, unlike biological sex, is a set of social norms and expectations tied to femininity and masculinity that are learned through socialization [27,29]. These are usually divided in two dichotomous categories, and depending on a person's perceived gender, there are certain expected behaviors and attitudes connected to it. Both biology and culture affect gender, but it is almost impossible to separate them since socialization begins immediately after birth [27]. One could perhaps argue that gender socialization begins *before* birth in certain families and cultures. The increasing popularity of gender reveal parties and decorating with socially accepted gendered colors, such as baby pink and baby blue, are indications of this phenomenon.

Gender is not a force of nature, or biological law [27,29]. We learn and reproduce gender, and it becomes part of our identity. Both the content of gender roles and the context in which it is reproduced is socially constructed. In turn, these roles affect the structures of society and become embedded in its sub-categories, such as the family and the legal system.

Feminist Methodologies

Although feminists tend to favor qualitative methods there is no unifying feminist methodology. Feminist research sees women as important sources of information;

their experiences within the gender system is the empirical data that needs to be studied, and the results should be used to better their lives [11,27].

An important aspect of feminist methodology is the principle of reciprocity and empathy [11,27]. This means that there is a connection between the researcher and the study subject where the researcher acknowledges their lived experiences. This working method aims to bridge the gap between researcher and research subject, and avoids further marginalization and objectification [30].

Feminist research emphasizes that there is no such thing as an unbiased and neutral researcher; individuals are always affected by the structural context that they inhabit [27]. Failing to address this is one of the main criticisms directed towards the positivist paradigm.

Critique Towards Positivism

During the development of feminist theory, critique towards established research methods emerged. Feminists rejected the dominating “value-free” science and its methods, questioning if there is such a thing as a neutral researcher [11,30].

Scholars are, in fact, highly biased and this is shown in the questions they value the most, in their tools of analysis and interpretation, and in the way they present their research. Some even argue that the way that scholars have chosen to formulate questions has contributed to marginalization since they have not questioned the existing social hierarchies in an accurate way [11,30].

Furthermore, feminists claim that quantitative methods tend to favor the experiences of men, with under sampling of less privileged groups in society [30].

Feminist methodologies have been accused of being narrow in both their methods and research objectives [27,29]. Although many feminist scholars prefer qualitative methods, quantitative methods are not ignored. Instead, feminist scholars question the way quantitative methods have been used to justify inequality, or to ignore statistically small problems [27].

Hiding the Researcher

Critique towards the goal of neutrality stretches out to another well-established aspects of scientific research, namely for the author to be invisible in the text. Interestingly, this is opposed to the aim of reflexivity. If the researcher is hidden then their biases, motives, and choices are also obscured. This makes it impossible for the reader to get any deeper insight, and to critically assess the collected data. Furthermore, hiding the researcher in the text makes research less accessible. Sprague suggests simple changes in language and presentation in research papers to make them opaque to the inexperienced reader. [30]

METHODOLOGY

Qualitative research does not follow a fixed set of rules; researchers are not as constrained by certain data collection methods or analytic tools, and they can instead adapt their methods to what best suits their research. This has led some individuals to falsely accuse qualitative research of being unreliable and inexact. However, most qualitative research does tend to follow the same five phases of compiling, disassembling, reassembling, interpreting, and concluding. It

differentiates from quantitative research in the key aspect of flexibility; researchers can move back and forth between the phases, allowing for a less linear working method. [31]

Ontology and Epistemology

Ontology constitutes the philosophical study of reality, and how we interpret it, while epistemology is the study of knowledge, and how it is obtained. This study will work from a phenomenological perspective in the sense that it rejects the realist notion of one objective and quantifiable reality. There is no clear divide between ontology and epistemology in phenomenology. Instead, it emphasizes subjectivity and interpretation. The methodological consequence to this perspective is the rejection of the neutral researcher; it is impossible for humans to be unaffected by their social environments. [32]

Dataset

Data used for this study consists of legal documents available online. I will mostly focus on the verdicts from the two highest courts in Sweden: Hovrätten and HD. Hovrätten, unlike HD, is not one court, rather it consists of six courts spread out in different geographic areas of Sweden. *Appendix 2* shows the geographical distribution of Hovrätten in Sweden.

In addition to the verdicts from the courts, various other legal texts have been read in a specific order to create an overview. This is standard procedure when reading Swedish legal texts due to the hierarchy of the sources of law [33,34], as follows:

First, verdicts from HD come at the top. HD is the third and highest level in the Swedish court system and they are responsible for setting precedents [34]. These are then used as guidelines for future cases in the lower court levels.

Second are Government Commissions of Inquiry (SOU) and Government bills (prop.). They produce a proposal, which is then presented to the highest decision-making assembly in Sweden (the Riksdag). By reading these documents the thought process, and intended use of the law, can be identified. This is especially useful when implementing new laws since the preparatory work serves as a guideline for the courts. Working by this method is fairly unique to Sweden and other countries in general do not place as much emphasis on the thought processes behind laws. [33-35]

Third, legal practice or custom, which is unremarkable in comparison to the other two since there is rarely any divergence from standard-procedure.

Finally, legal doctrine that consists of academic research, which is usually more diverse and critical compared to practiced law [34,36].

Data Compilation

Verdicts from the courts were obtained from the Swedish Court's database on their website. I searched for all cases containing GVWI (grov kvinnofridskränkning) which resulted in n=37 hits. Upon closer inspection, I noticed that two of the hits were from the Swedish Labor Court. This special court tries disputes between employers and employees, and since it is not a criminal court, I decided to exclude these two hits from my analysis. Furthermore, two of the hits were exact duplicates of each other, apart from their publication dates. Since they presented

two different cases I decided to analyze them separately. Therefore, the total number of verdicts went down to n=35.

For this study I have also decided to use NVivo², which is CAQDAS software. This will assist me in compiling, reassembling, and interpreting the data. When using CAQDAS software the researcher must be mindful of the fact that they are still the ones that need to do all the analytic thinking [31]. Unlike software for quantitative research, CAQDAS software will not perform the analysis itself; it is mainly a tool for the researcher to compile the data digitally.

Analyzing and Interpreting the Data

As a starting point, I created a word frequency count in NVivo of the 500 most frequently used words. This was done to identify patterns in the data which would serve as the basis for the coding frame. Since the analyzed texts are in Swedish, I had to manually create a stop word list to exclude words – such as prepositions, pronouns, and conjunctions – that have no contributing value to the analysis. The resulting words were then visualized by creating a word cloud, and creating a cluster analysis, presented in *Appendix 3*.

The cluster analysis indicates a presence of violence, to some extent, in all of the cases of GVWI. Explicit words about violence are: pain, punch, assault, hit, hurt, violence and grab. Other words and phrases that indicate some type of violent offense are: repeat violation, threats, abuse, self-esteem, integrity, and crime. Other interesting words for the analysis are: prison, cohabitation, and damages.

The identified patterns will then be used as a basis for the coding frame and the following analysis.

Content Analysis

For this study I have chosen to conduct a content analysis. This means that I will systematically break down and categorize the data to answer the posed research questions. The basis for the categorization rests on the above-mentioned themes. However, since this working method also allows for an inductive approach, additional themes will be used as they are identified throughout the coding process. For the analysis to be thorough, the data will be re-read several times. [37]

Content analysis is particularly useful when working with larger amounts of data to create a broad overview, and to detect patterns in the dataset [37]. Unlike methods based on discourse analysis, content analysis cannot be used for a deeper understanding. Instead, it will allow me to: identify and categorize how the courts interpret the laws and their preceding proposals; compare the results between the two highest court levels; how the individual jurymen and laymen interpret the legal documents, and if there is any discrepancy between individuals; and finally, to analyze the consistency of the courts.

Documents from the two highest levels in the Swedish court system usually consist of brief summaries from the first level of the court and place more emphasis on the reasoning behind the verdicts. Long elaborate statements from

² Nvivo Release 1.3 (535)

victims and offenders are often omitted. Therefore, conducting a discourse analysis on the data would be less ideal.

Ethical Considerations

Reading and analyzing cases can sometimes be desensitizing, and it is easy to forget that behind each case are real people. Due to the principle of public access to information, official documents, such as court documents, are available to the public. However, for this study I have chosen to work with court documents from the two highest court levels in Sweden. In these publications, personal information such as names and personal identity numbers has been excluded. This paper will therefore not disclose any personal information.

RESULTS

Out of the 35 studied cases, 25 cases resulted in a GVWI conviction – one of those cases resulted in a partial conviction – and ten cases resulted in a different conviction. First, I will present the cases that resulted in a GVWI conviction.

Characteristics of GVWI Convictions

Table 1 summarizes how many of the total 25 cases of GVWI mention the identified codes.

Table 1. Summarization of the mentioned codes and their frequency in the verdicts of GVWI.

Code	N=
Married/Cohabitation	25
Violence	25
Threats	23
Repeat violations	11
Additional crimes	5
Coercive control	6
Prison	25
Hovrätten upholds verdict	18
Hovrätten increases sentence	6
Hovrätten changes verdict to treatment	1

Unsurprisingly, there is a clear pattern of violence and threats. Threats are characterized as threats to kill; threatening to hurt or stab; threatening to force the victim's head into a warm oven; chasing the victim; forcing the victim to write a goodbye letter to their child; and stabbing a knife next to their head while they lay in bed.

Minor assaults are characterized by the offender pushing or grabbing the victim; inducing pain; pinching; pulling her hair or her clothes; spraying the victim with soap or water; throwing food or smaller objects at them; holding them down; ripping their clothes; forcing them to be outside in cold weather with little clothing; or spitting on them.

Serious assaults are defined as kicking, punching and slapping; choking the victim, sometimes to the extent that they pass out; banging the victims head against the wall; asphyxiation; punching their pregnant partner in the stomach; lifting them up by their necks; hitting them while they were down; wrestling them

down; shoving them forcefully into objects or walls; throwing them down the stairs; rape and sexual assault; demeaning body and vaginal inspections; dragging them on the ground; and assaulting them in front of their children, or sometimes assaulting the children as well.

In all of the 25 cases the courts placed heavy emphasis on violence, and in particular the outcome of it. Incident that “only” resulted in minor bodily injuries were deemed less serious. Five of the convictions included additional crimes apart from GVWI. This was also the case with the verdict that resulted in a partial conviction where the accused committed a series of crimes between 1998-2003. Crimes committed before the implementation of GVWI had to be tried separately, since laws cannot be implemented retroactively.

The law of GVWI intends to identify patterns of violence and abuse so that it can be judged together for a higher punitive value [3,4]. This seems to have been achieved since all of the 25 convictions resulted in prison in Tingsrätten; in Hovrätten, 18 of the verdicts were upheld; six of the sentences were increased; and in one of the cases, the accused was deemed ill and in need of treatment.

Characteristics of the Other Convictions

The ten cases that did not result in a GVWI conviction are presented in *Table 2*.

Table 2. Summarization of the codes from the non-GVWI cases.

Code	N=
Prison	8
No marriage/cohabitation	2
Not serious/repeated enough	7
Crimes committed before GVWI law	3
Both parties guilty	2
Relationship too short	1
Victim/accused refused to cooperate	1
Hovrätten upholds verdict	3
Hovrätten decreases sentence	7

Eight cases resulted in incarceration; the remaining cases resulted in probation or community service. None of the cases were dismissed – they all resulted in conviction for something else. The most common reason for GVWI being dismissed was the fact that the abuse was not seen as severe enough. As a result, prison sentences were lowered in accordance with the prop. and SOU [3,4]. For instance in one case [38], the accused had “only” uttered threats – albeit serious threats – and the courts therefore deemed that this was not serious enough to be considered part of the process of abuse that is necessary for a GVWI conviction.

In two of the cases, the victim and perpetrator were seen as equally guilty [38,39]. In one of the cases this was attributed to the victim acting in “provocative” ways towards the accused. The other case was described as a highly confrontative divorce, which also resulted in the pair not being seen as married or in cohabitation.

Three of the cases presented incidents that happened before the implementation of the law and could therefore not be prosecuted as such [40-42]. This made the case against the accused weaker since the prosecutor was not able to prove that all of the incidents were part of a process of abuse.

Do the Courts Recognize Coercive Control?

Since coercive control is not specified in the prop., the SOU, nor in the law of GVWI, the courts do not actively look for it. However, while coding the cases, I found several indications of coercive control, which were recognized by the courts although in different phrasing. These codes were present in seven cases, where four resulted in GVWI verdicts. *Table 3* summarizes the identified codes.

Table 3. Summarization of the codes related to coercive control and their frequencies.

Code	N=
Controlling behavior, stalking	12
Normalization of violence/threats, hard to specify incidents	11
Fear of the accused	10
Victim refusing to cooperate with authorities	9
Victim dependence on the accused	8
Isolation from friends/family	6
Victim provocation	4

Controlling behavior and stalking was the most common occurrence. This manifests itself as the accuser dictating what the victim can or cannot do; which people they are allowed to meet; forcing the victim to dress in a certain way; and demanding that household chores should be done in a particular way. I decided to include stalking in the same code since incidents of stalking and controlling behaviors often go hand-in-hand. For instance, the accused will sometimes stalk the victim to ensure that they follow their rules.

Normalization in coercive control refers to the incidents being repeated to such an extent that the victim has a hard time pinpointing the exact date and time of the occurrence [1]. Usually, incidents start off as less serious, increasing in seriousness over time. This leads to abuse becoming a normal part of life. In turn, this also makes the victim fearful since they will come to expect abuse at any given time. Furthermore, victims also tend to stay or go back to the accused out of fear. Fear can also be attributed to the victim refusing to cooperate with the authorities. In two of the cases [39,43], both of the victim's counsel stated that they seemed fearful, which was the reason for their refusal to give statements to the courts.

Victim dependence and isolation are perhaps the most telltale signs of coercive control. In the two most serious cases [44,45] both of the women were economically dependent on their husbands, who was the sole provider. One of the cases had aggravating circumstances since the woman did not speak Swedish; this made her more vulnerable and isolated, since she was both economically and culturally dependent on her husband.

Finally, victim provocation refers to the victim being perceived as provocative in different ways, such as talking back to the offender, or instigating arguments. This is often a sign of the accuser trying to deflect or diminish responsibility by showing that the victim is equally guilty. However, this was only present in one of the cases [45].

DISCUSSION AND CONCLUSION

The aim of this study was to examine how domestic abuse is defined and used in the Swedish cases regarding GVWI. The main goal of the law – to be able to take the whole process of abuse into account – has overall been accomplished. In cases of GVWI, the prosecutors are able to add minor incidents into the indictment to show repeat violations. Therefore, cases with GVWI result in higher sentences compared to cases where each indictment is judged individually.

Although the courts appear to be successful with implementing GVWI by its intended use, the lines drawn between what is considered serious and repeat violations are seemingly arbitrary. Visible physical injuries are often the standard for measuring seriousness, as the courts tend to dismiss indictments that do not address serious bodily injury to the victim. When it comes to coercive control, victims are not always *physically* injured, making assumptions based on bodily harm unreliable. However, both the law and the courts do recognize physical abuse as a form of repeat violation. In reality, only the most serious offenses are deemed GVWI, and cases that “only” consist of verbal abuse need to be very detailed for conviction.

Additionally, the line between what is considered an intimate partner is seemingly arbitrary as well, as indicated in two of the cases [46,47]. In the first case, the relationship was deemed too short, and the second case was deemed to not fall under the category for what is considered an intimate relationship. For a GVWI conviction, the partners need to be married or cohabitate. This constitutes being registered at the same address or sharing economical expenses; the law describes this as living together with someone in marital-like conditions [3,4].

Cohabitation is common in Sweden; it has its own law ensuring some legal protection to the involved parties [48]. Therefore, including this in GVWI is crucial. In clear cases of cohabitation, the courts have no difficulties with reaching a GVWI verdict. Relationships that are characterized as fleeting – such as couples that break up often – are harder to categorize. Here, the courts fall back to the definitions in the prop. and SOU, which provide guidelines as to what constitutes a serious relationship [3,4]. Based on this, the courts cannot be faulted for doing wrong since they do indeed follow the guidelines.

In one of the above-mentioned cases [47] the accused is convicted for GVI instead of GVWI, since the courts deemed them to be in a relationship but not living together in marital-like conditions. In this case the courts discuss what conditions are necessary for the implementation of GVI, which states that there needs to be some kind of relationship between the parties, such as father and son, or boyfriend and girlfriend [9]. Apart from this line being somewhat arbitrary as well, one of the laymen expresses that there are inconsistencies with the definition of what constitutes a relationship [47].

Critiquing GVWI from a Feminist Perspective

Swedish law is restrictive – prison sentences should not be implemented unless absolutely necessary due to the adverse effects of incarceration³. The purpose of

³ More about the Swedish prison policy can be found at Kriminalvårdens website <https://www.kriminalvarden.se/fangelse-frivard-och-hakte/fangelse/>

this study is not to argue for longer prison sentences in domestic abuse cases, as this goes against both Swedish prison policy and well-established criminological consensus. Instead, I will present feminist critique towards the current definition of domestic abuse.

Statistical Consequences

Much of the statistics regarding domestic abuse comes from the courts and the prisons. Without correct numbers, dark figures are sure to increase. All types of gendered crimes – such as rape and sexual abuse – tend to be on the top regarding dark figures. Feminist research has previously criticized quantitative methods for justifying and ignoring statistically small problems [27]. The same issue can be identified in the current definition of domestic abuse in the Swedish courts; without proper identification of domestic abuse, the crime will appear smaller than it is in reality.

If our goal as a society is to show that domestic abuse is unacceptable, we need to reevaluate our definition of domestic abuse so that it is in line with the lived experiences of abused women. As Stark has previously pointed out, defining domestic abuse too narrowly fails women that suffer from unseen abuse [1].

Protecting Women from Abuse

Failing to recognize and intervene in cases of domestic abuse has adverse effects on its victims. Harsher sentencing that focuses on handing out long prison sentences have only short-term effects on abuse [29]. Reactive policies may protect the victim from their offender while he is incarcerated, but it does nothing to solve the problem at its root.

Structural inequality is the main cause of gender inequality; society must therefore focus on social implementations [29]. This is by no means an easy feat, as it will require a major shift in both research and practice. As Stark [1] points out, sexism is structural. He further states that the current definition of domestic abuse is misleading since the majority of all assaults are committed on divorced or single women. Defining domestic abuse in a certain way that excludes the most prevalent types of abuse is therefore rooted in sexist laws and policy.

Using the GVWI law as a basis for identification of those in risk, implementations that focus on victim emancipation will have the best long-term effects. Creating psychological and economical support for these women to be able to free themselves from their abuser is key; both the courts and other branches of the government have sufficient capacities to execute this with proper allocations of resources. Women's shelters have tended to provide these kinds of services to abused women by taking them in and rehousing them. An unexpected consequence of this implementation is that it sends the message that the victim is at fault. Shifting the focus to the perpetrator sends a powerful message of offender responsibility. Combined with electrical monitoring and contact orders, these sanctions can be handed out more effectively.

Method Discussion

As with all qualitative studies, the results from this paper cannot be generalized [31]. Constructing a quantitative research project in the form of a self-report survey would be helpful in providing a solid basis for future studies. By identifying the prevalence of coercive control – and the adverse effects it has on

affected individuals – this could direct other studies towards dense research topics in need of further elaboration.

This study falls under the category of a qualitative content analysis, which allowed me to work inductively; broad themes were initially set allowing for codes to be identified in the process of reading the data [37]. The main purpose of the study was to identify how the courts interpret and apply the law. For this purpose, a quantitative research method would have been less ideal since the results would be too broad and unable to capture nuances in the interpretation [31].

Although this study did find some indications of coercive control, the prevalence is moderate. This could be attributed to the relatively short case descriptions in Hovrätten and HD. Examining cases from Tingsrätten would perhaps have yielded better results. However, due to the time-limitations and the word count, that was beyond the scope for this study.

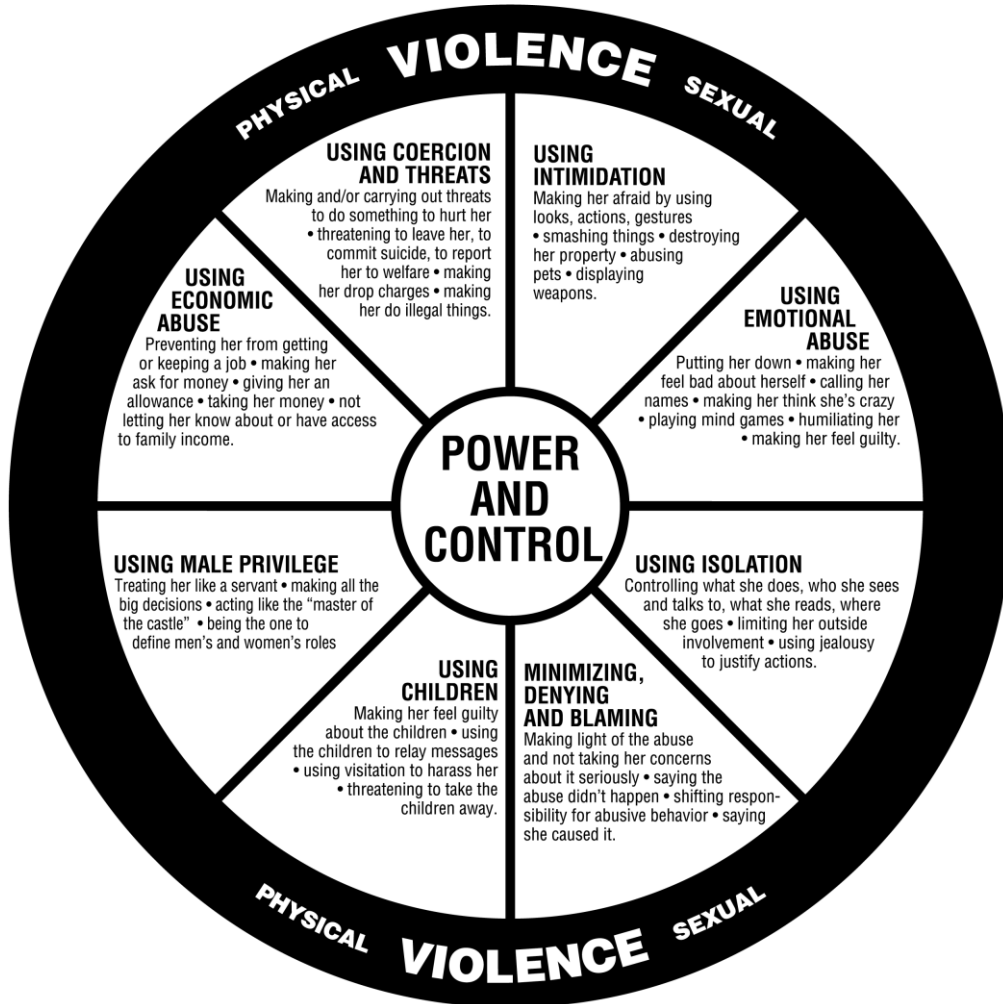
Possible Future Studies

Since studying coercive control is a relatively new phenomenon, the possibilities for future studies are practically unlimited. As mentioned above, constructing a quantitative study – such as a self-report survey – of the prevalence of coercive control in Sweden would be helpful in creating a solid basis for research.

As for qualitative studies, conducting interviews with abused women could help to shed light on their lived experiences. Interviews are especially useful to detect how individuals classify and construct different social and cultural aspects of their lives [49]. Furthermore, uplifting voices that are usually not heard is a key aspect of feminist methodologies [11,27]. Therefore, feminist research should also analyze coercive control from a queer and intersectional perspective.

APPENDIX 1

The Power and Control Wheel. First used by the Domestic Violence Intervention Project (DAIP) in Duluth, Minnesota [1]. Also known as the Duluth Model.



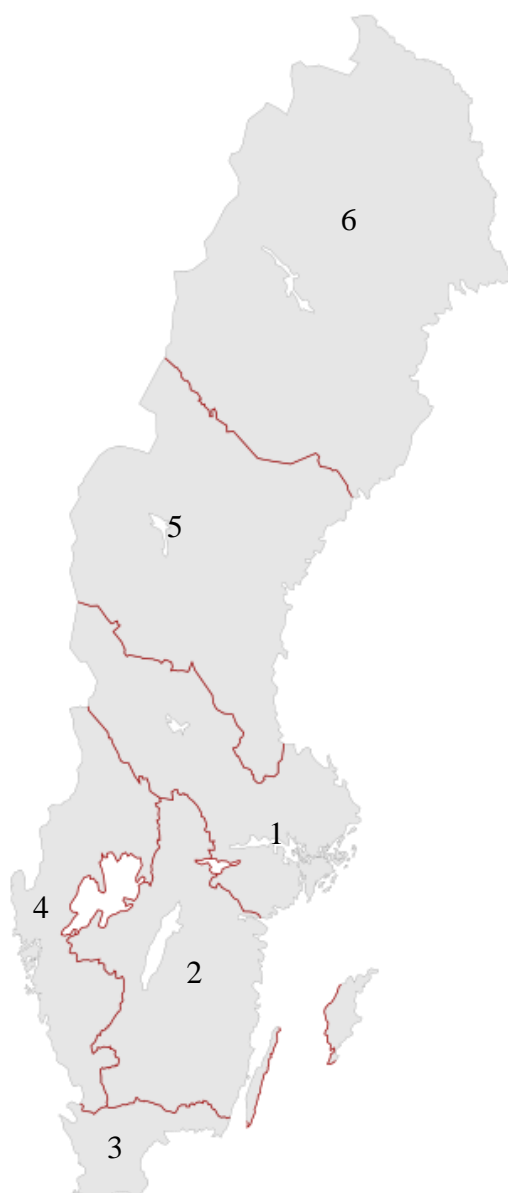
APPENDIX 2

The second level of the Swedish court is called Hovrätten, and it is divided into six geographical areas, as follows below. The map of Sweden shows the geographical distribution of the courts with their corresponding number.

1. Svea hovrätt
2. Göta hovrätt
3. Hovrätten över Skåne och Blekinge
4. Hovrätten för Västra Sverige
5. Hovrätten för Nedre Norrland
6. Hovrätten för Övre Norrland

Figure 1. Geographical distribution of Hovrätten in Sweden. Numbers added by me to correspond with each geographical area.

© Lokal_Profil https://commons.wikimedia.org/wiki/File:SWE-Map_Hovr%C3%A4tter.svg / CC-BY-SA-2.5.



APPENDIX 3

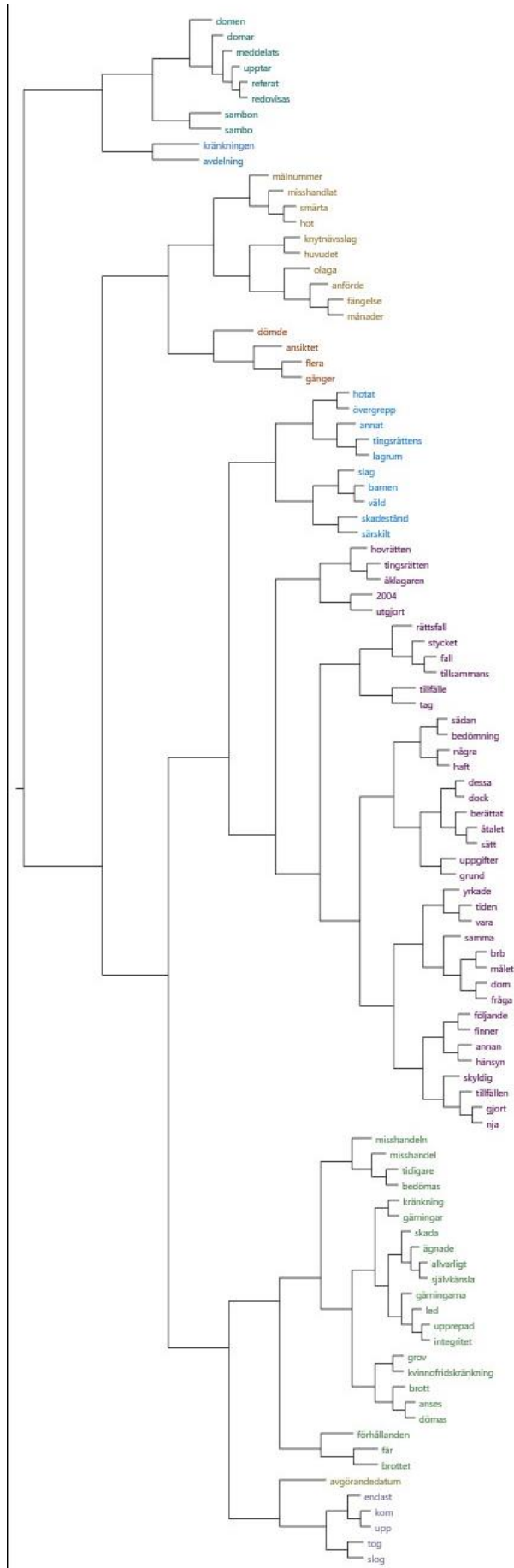
As a starting point, an overview of the data was created in NVivo to detect possible patterns that could be used for coding.

Figure 2 – Word cloud created in NVivo.



Additionally, the data were also visualized in a cluster analysis. This method is especially useful when trying to detect groupings and similarities of words, attributes, or codes.

Figure 3- Cluster analysis created in NVivo.



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