

Defending ‘Co-offending’ Women: Recognising Domestic Abuse and Coercive Control in ‘Joint Enterprise’ Cases Involving Women and their Intimate Partners

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Abstract: The role of coercive control in women’s offending has been increasingly recognised in law. Yet, there remains a significant blind spot that leads to grossly unfair outcomes for women who are implicated in cases of serious violence with their abusive partners. This article outlines the role that abusive relationships play in women being ‘associated’ with an offence, being present at the scene and unable to withdraw and being implicated in the police investigation. It argues that such relationships must be recognised in legal practice and in the law, to avoid serious miscarriages of justice being enacted upon women who have already been repeatedly failed by the State.

Keywords: coercive control; co-offending; domestic abuse; joint enterprise; women

[The general public] probably think that justice was served, ... [that] we’re both disgusting, horrific people, so we both should rot in prison, because again that’s the perception that they have of the situation. ... I was like a little puppet to him, if he said ‘jump’ I’d say ‘how high?’. If he [told] me to sit there quietly and do nothing, I would sit there quietly and do nothing, which I think for him was just a sense of control more than anything. (Rosie, convicted of manslaughter, co-defendant with partner)

For decades the ‘gendered pathways’ literature has identified domestic abuse as key to women’s routes into offending, alongside other ‘structural, institutional and familial injustices and disadvantages’ (Barlow 2019, p.29), such as drug use and childhood abuse and neglect (see, for example, Daly 1992; Simpson, Yahner and Dugan 2008). However, in the past few years the role of coercive control in women’s offending has become

more widely recognised, after having been introduced as an offence in English and Welsh law in Section 76 of the Serious Crime Act 2015 (Barlow and Walklate 2021). In this context, coercive control refers to a *pattern of behaviours* that aim to ‘subordinate’ a person or make them ‘dependent’, for example ‘by isolating them from sources of support’, as well as ‘acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim’ (Home Office 2015, p.4). The relevance of coercive control to women’s offending has recently received particular public attention, in the wake of the high-profile case of Sally Challen whose 2011 conviction for the murder of her husband was overturned in 2019 (*R v. Challen* [2019] EWCA Crim 916). Although the coercive control that Challen had experienced at the hands of her husband did not provide a defence for murder (rather she accepted a plea of manslaughter on the basis of diminished responsibility (Justice for Women 2017; Thorne 2019)), her legal team emphasised the impact of the coercive behaviour on Challen, which gained a great deal of publicity (see Walklate and Fitz-Gibbon 2019).

Meanwhile, over the last few years the Domestic Abuse Bill has been rumbling through the political system. The resultant Domestic Abuse Act 2021 (passed in April 2021) places new emphasis on the ‘emotional, coercive or controlling, and economic abuse’ that blights the lives of many victims and survivors of domestic abuse (Home Office 2021). While the Act has been welcomed for raising the profile of forms of abuse that fall outside the domestic violence archetype, in which “‘violence” means “physical assault”” (Hunter 2006, p.751; see also Welle and Falkin 2000), the government rejected submissions to include statutory defences that protect from prosecution individuals who are compelled to offend because they are victims of domestic abuse. This is despite the legal parity that this would create with the survivors of human trafficking (based on Section 45 of the Modern Slavery Act 2015) (see Prison Reform Trust (2020) for full details).

Notwithstanding the recent legal developments to recognise coercive control and the drive by third sector organisations to reduce the culpability of women implicated in offences where the experience of coercive control is directly relevant, there remains a significant blind spot in the legal system and in much academic work. That is, women who are implicated in violent offences committed by their abusive partner, who are drawn in as secondary parties using complicity liability (commonly known as ‘joint enterprise’). In practice, this is women who are considered to have ‘encouraged or assisted’ a coercive and abusive partner to commit the act of violence and are, therefore, convicted of the substantive offence, including murder.

Drawing on interviews with female prisoners, elicited from two research studies, this article argues that the abusive nature of the relationship with their co-defendant is central to women being present at the scene of violence and unable to withdraw (a tightly-defined act that enables the circumvention of prosecution under complicity liability) or being implicated in the offence during the police investigation. This article, therefore, offers a rare insight into the deeply-troubling ways in which women are held

responsible for serious violence perpetrated by their partners and how the criminal justice system's neglect of such experiences results in the unfair labelling of women's actions and their grossly disproportionate punishment. This neglect replicates and serves to deepen systemic failures of the State to recognise the abuse that many of these women have repeatedly suffered throughout their lives.

Women's Co-offending and the Role of Domestic Abuse and Coercive Control

Women commit a small proportion of overall offences and are primarily involved in low-level and non-violent crime (Jones 2008). Yet when women co-offend, particularly alongside men, they tend to be involved in more serious, 'gender atypical' offences (Becker and McCorkel 2011, p.99), such as murder (Jones 2008, see also Lantz 2020). During such incidents, however, women are less likely to participate in the violence itself due to gender differences in 'moral evaluations', particularly when they are in small groups when 'group influence may be less pronounced' (Lantz 2020, p.97). In some cases, women have reported being unaware of offences involving their partner until they were 'at the crime scene', at which stage 'it was very difficult to back out' not least because they were 'scared' (Mullins and Wright 2003, p.820). Similarly, in a study by Welle and Falkin (2000) women who admitted planning an initial crime, often described being implicated in a more serious offence as, for example, their partner unexpectedly produced a weapon during an altercation, 'suddenly raising the stakes of women's participation in the crimes' (p.56). Research on women involved in group offences including their partner, has therefore generated questions regarding the extent to which their involvement is agentic.

There has been significant debate about the reductive nature of positioning women either as entirely rational, independent agents of their crimes, or as victims, unable to control their offending behaviour due to experiences of coercion in intimate relationships (see Barlow 2016; Mullins and Wright 2003). Rather Barlow (2016, p.29) calls on criminology to explore the ways in which agency and coercion are entangled; as coercion, like ivy, wraps itself around women constraining their choices. Here, she emphasises the ways in which 'abusive, controlling and/or obsessive relationships with a male partner may influence a woman's "decision" to offend' (p.69), with evidence suggesting that 'domineering' partners leave women feeling cornered with 'little choice' but to participate in the offence (p.475).

In a study of women convicted of non-violent offences (drug offences, burglary and theft) with male co-defendants, one-third reported that they were 'equal' partners in the crime, which they undertook 'rationally' or based on their own 'informed choice' (Jones 2008).¹ However, the majority stated that they offended out of 'love' or as an outcome of a coercive relationship. Those in coercive relationships did so 'as a result of a direct threat' of violence made by their partner, including a threat to life (Jones 2008, p.154). Such threats occurred against a backdrop of severe and

repeated domestic violence and coercive control, which demonstrated to the women the violence competencies of their partner. Their experiences were also layered on top of previous abuse suffered in childhood. These findings challenge the notion of women as primarily ‘rational agent[s]’ in co-offending groups (Jones 2008).

Research has shown that men use a ‘range of abusive techniques’ to persuade women to co-offend with them, including direct threats of violence (Barlow and Weare 2019, p.91), manipulating women through controlling their supply of drugs, or exploiting their declarations of love (Jones 2008). This reflects developments in the understanding of coercive control, which have highlighted the structural and systemic roots of abusive behaviour (in gender inequality and oppression – see Stark (2007)), its patterned nature, and its inclusion of both ‘repeated and cumulative’ physical abuse *as well as* ‘non-physical acts’, such as threatening behaviour, intimidation, economic control and the restriction of the victim’s freedom (Stark 2009, p.1510). In Mullins and Wright’s (2003) study, women involved in burglary offences reported that their partners threatened them to comply or stated: ‘if you love me, you’ll do it’ (p.820). In this way, Barlow and Weare (2019, p.92) emphasise the risks of ‘dichotomising and categorising’ women’s experiences of their relationships in line with traditional understandings of love. Such issues are further complicated by women’s feeling of co-dependence with their abusive partners, who persuade them that their co-offending is an essential part of the relationship (Matthews, Matthews and Speltz 1991, cited in Barlow 2016). Again, experiences of trauma and neglect in the life histories of many women render them particularly vulnerable to such pleas.

Developing Jones’s (2008) categories of women who offend due to love and fear, Barlow (2016, p.69) argues that both must be understood in the context of men’s coercive control and seen as part of the ‘continuum of coercion’. For these purposes, coercion is defined as ‘an action or practice of persuading, forcing or encouraging someone to do something by using force, threats, abuse (including physical psychological, economic and/or emotional), manipulation (including love or obsession) and/or control’ – techniques which ‘overlap’ one another (Barlow 2016, p.76). Therefore, she argues, the relationships between male and female co-offenders must be explored broadly to understand their role in women’s offending behaviour.

Coercive Control and Women’s Experiences of Police Investigations and Trials

The ‘continuum of coercion’ is also relevant to women’s behaviour *after* an offence has been committed and to expectations of them during a police investigation and trial. This is because women often normalise their experiences of abuse, and coercive behaviour tends to be rationalised more broadly, based on ‘patriarchal expectations of womanhood and femininity’, which position women as ‘passive and submissive’ (Barlow 2016, p.78). In Welle and Falkin’s (2000, p.57) US study, women involved with ‘romantic

codefendants' tended to blame themselves for their partner being arrested and charged, and for being charged themselves, as they cast their criminal behaviour in terms of the 'rules of conduct' set by their partner, which they had 'transgressed'. This is despite their involvement often being negligible, if at all.² One of the women in Barlow's (2016) study, whose partner was convicted of murder, maintained that she had 'no idea' that he had committed homicide but that she lied in court to protect him because she loved him – although fear also appeared to be a factor (Barlow 2016, p.79).

Recognising the role of domestic abuse and coercive control on women's involvement in offences and on their responses during police questioning and criminal trials is particularly important in the context of complicity liability. This is because it allows women to be implicated in violent offences committed by their partner and to be convicted of the substantive offence (for example, murder) as secondary parties.

Complicity Liability and Women Co-Offenders

Complicity, or secondary, liability (what was also commonly referred to as 'joint enterprise') enables a person, or persons, to be convicted of a substantive offence committed by another (Crown Prosecution Service 2019). In its current form, complicity liability requires that the secondary party must intend to encourage or assist the principal party to commit the offence, with knowledge of the essential facts of the crime (Reid, Sarch and Walker 2019), or the 'details of the offence' (Ashworth 2006. p.422). In practice, Ashworth (2006) argues, culpability is rooted in 'the decision to support the commission of the principals' crime and the assistance is a practical manifestation of that support' (p.411). Prior to 2016, in England and Wales, women were arguably *more likely* to be convicted as secondary parties, as 'Parasitic Accessorial Liability' (PAL) rendered those who could have 'foreseen' that a substantive offence might occur, liable for it. Although this provision has now been abolished, foresight can be used as evidence of intention (Crown Prosecution Service 2019) and research indicates that the alteration in the law has led to little change in police and prosecution practice (see Hulley and Young in progress).

The experiences of co-offending women implicated in cases which draw on complicity liability have been comprehensively detailed for the first time in a recent report by Clarke and Chadwick (2020). The findings of this study are explored in detail here due to its exceptional nature and relevance to this article. The research involved a broad information gathering element – to identify the number of women convicted in this way (in the absence of any official data) – and included interviews with 21 women and a case review and analysis.

The research found that 90% of the women convicted of serious violence had not engaged in any violence – none had used a 'deadly weapon' that caused the death of the victim (Clarke and Chadwick 2020, p.10).³ Those who had used violence tended to have done so in a way that constituted 'low level' harm, such as a 'push', 'shove', 'slap' or punch, which had often taken place during a separate incident, prior to the substantive violence itself. In

almost half of the cases, women were not at the scene of the crime. A large proportion of the women in the study had experienced domestic abuse in childhood or adulthood and almost half were experiencing domestic violence at the time of their offence. In 87% of these cases, the co-defendant was the perpetrator of this abuse (Clarke and Chadwick 2020), indicating the possible constraints that these women faced in their involvement in the offence.

During the police investigation and trial, women in the study were most likely to be implicated in the offence based on their association with their male partner or presence at the scene, rather than their active involvement in the offence (Clarke and Chadwick 2020). Inferences regarding the extent to which women 'encouraged' or were 'in control of their male co-defendant were made alongside claims that they conspired to organise the offence or could have foreseen what would occur. These assumptions were weaved around gendered narratives related to femininity, sexuality and motherhood that were often paradoxical, as women were portrayed as both 'manipulative and non-agentic' – 'egging on' yet 'vulnerable' (Clarke and Chadwick 2020, p.27). This reflects gender stereotypes that portray female co-offenders as 'broken' and 'weak' on one hand, but 'rational' and 'calculated' on the other (Barlow 2015, p.480). Against this backdrop, disclosing experiences of domestic abuse, at the hands of a co-defendant represented a 'double bind' for women, who were 'damned if they did' and 'damned if they didn't' (Clarke and Chadwick 2020, p.17).

Research shows that concerns about credibility lead women to remain silent in relation to their experiences of abuse, as there is a tendency for legal professionals to take 'men's accounts of violence at face value', while assuming that women are lying (Hunter 2006, p.766). Women's narratives of abuse are often expected to be corroborated by 'expert' witnesses who can provide evidence of a psychological injury. Problematically for women, however, 'while expert testimony may render women's claims of violence more believable, it also tends to present being a victim of domestic violence as a disabling, individual, psychological condition, further deflecting attention from the responsibility of the perpetrator for the consequences of his violence' (Hunter 2006, p.754). In Clarke and Chadwick's (2020) study, some defence teams actively avoided the disclosure of domestic abuse, due to concerns that it could strengthen the prosecution's case, as women are often held responsible for the violent behaviour of men (see Maher *et al.* 2020) and the consequences of male violence (see Thiara and Humphreys 2017).

In practice, prosecution counsel use women's *non action* to argue that they intended to assist or encourage the offence, such as 'failing to stop something happening or intervening' during or after the incident (Clarke and Chadwick 2020, p.20). A woman's failure to withdraw is also significant, as 'withdrawal' can quash culpability or, at least, offer a defence against it (Crown Prosecution Service 2019). Withdrawal must be clear and timely, with steps taken to prevent the offence (Ashworth 2006), however

women's experiences of domestic abuse and coercive control are likely to make withdrawal particularly difficult.

Possible Defences for Secondary Parties

It may be considered that women who actively assist or encourage their male partner to commit the offence, and fail to withdraw, are able to draw on general complete or partial defences to negate or lower their culpability for the substantive offence committed by their partner. However, the most relevant defence of 'marital coercion' was abolished in 2014. Section 47 of the Criminal Justice Act 1925 stated that: 'on a charge against a wife for any offence other than treason or murder it shall be a good defence to prove that the offence was committed in the presence of, and under the coercion of, the husband' (Ashworth 2006, p.228). While it did not require threats or risk of serious harm to the woman, it was necessary to demonstrate that the wife's will was 'overborne' by her husband (Ashworth 2006, p.229). The defence was problematic in a number of ways, including the requirements that the couple were married, that the partner was present at the offence and in its complete denial of women's agency (Barlow 2016). However, it offered women a rare opportunity to explain their offending in light of their partner's coercive behaviour (Barlow 2016).

Alternative defences, which tend to be most prevalent in cases involving women who have suffered domestic abuse, include self-defence or loss of control, but these are most relevant to cases in which women themselves have been violent, which research shows is extremely rare in cases involving complicity liability (Clarke and Chadwick 2020). Duress offers a complete defence for defendants who acted 'in response to threats from another person ... or in order to avert dire consequences (called "necessity" or "duress of circumstances")' (Ashworth 2006, p.219). However, duress requires a 'direct threat' which aims to persuade the defendant to commit a specific offence or an immediately dangerous situation (Ashworth 2006, p.220) and it does not recognise psychological and 'moral' threats (Barlow 2016, p.73). It also cannot be used as a defence to murder (Ashworth 2006).⁴ For co-offending women, Jones (2008, p.161) suggests a modification of the existing legal defence of duress, which reflects the marital coercion defence, as it puts the onus on the prosecution to prove that the woman had been the instigator of the crime.

Despite the recent legal developments outlined at the start of this article, that have raised the profile of the impact of women's experiences of coercive control and abusive behaviour on their offending, there remains little protection for women who are implicated in a serious violent offence perpetrated by their abusive partner.

This article draws on interviews undertaken for two research studies to highlight the ways in which women's experiences of domestic abuse and coercive control contribute to their convictions for serious violence, as secondary parties. Following a description of the methods, the article will describe the multiple and layered experiences of domestic abuse and coercive

control that the women suffered. It will then go on to highlight how their experiences of abuse at the time of the offence directly impacted on the women being convicted of a serious violent offence perpetrated by their abusive partner. First, by restraining the women's choices in relation to their presence at the scene, their ability to withdraw or their assistance or encouragement of the offence. Second, by constraining the women's engagement with the police investigation, in turn supporting officers' (often gendered) inferences about women's roles in 'assisting and encouraging' their partners. It concludes by arguing that the neglect of these issues in the current law and legal practice lead to the unfair labelling of women's actions and them receiving grossly disproportionate prison sentences. These practices emulate and deepen systemic failures of the State to recognise domestic abuse and coercive control in the lives of many of these women.

The Research Studies

This article draws on interviews with twelve women, undertaken for two research studies. The interviews were selected because all women were convicted of serious violence alongside their intimate partners (out of a total of 21 women who were convicted in trials with (any) co-defendants across both studies) and the law on complicity liability was used in the case. Of the twelve women, ten explicitly stated in surveys that they were 'convicted of joint enterprise' – one did not believe she had been and the other did not conduct a survey. However, analysis of their interview transcripts revealed that they were convicted alongside others in a way that indicated the use of complicity liability. The 57% of women who were convicted with their partners is a higher proportion than the one-quarter of women convicted with their 'romantic codefendant' in Welle and Falkin's (2000, p.49) study, which may reflect the increased likelihood of women co-offenders being involved in more serious offences (Jones 2008; Lantz 2020). It is worth noting that while almost all of the women's co-defendants were their *male* partner, two of the twelve women were convicted with their female partner.

The first research study from which the interviews were drawn explored the experiences of men and women who were given life sentences with a tariff of 15 years or more when they were 25 years old or younger (see Crewe, Hulley and Wright (2020) for full details). Between 2013 and 2014, interviews and surveys were undertaken with 23 women, which represented 72% of the women who fitted the research criteria at the time. Twenty-one women took part in interviews, all of whom were convicted of murder and 16 (76%) of whom were convicted at trials involving co-defendants.⁵ Of the 16 women, nine were convicted with their partner (often with others involved too, who tended to be their, or their partners', peers).² The interviews explored the experience of long-term imprisonment itself, including forms of adaptation and relationships with people inside and outside prison. For the purpose of this article, it is important to note that the women did not always talk in detail about the offence itself or their relationships with the people they were convicted alongside, as they

TABLE 1
 Demographic Information of Women Convicted of Serious Violence with their Partner (n = 12)

		Number of women
Age at interview	20–30 years	9
	30–40 years	3
Ethnicity	White British	8
	Mixed race – White and Asian	2
	Undisclosed	2
Conviction (offence)	Murder	9
	Manslaughter	2
	Grievous bodily harm (Section 18)	1
Prosecuted as principal or secondary party	Principal party	1
	Secondary party	5
	'Don't know'	4
	Other	2
Co-defendants	Partner only	3
	Partner and peers (including family)	9
Sentence length*	5–10 years	1
	10–15 years	0
	15–20 years	5
	20–25 years	6
Age at sentence	16–18 years	3
	19–25 years	9

(Note: * Nine sentence lengths are minimum terms ranging from 17 to 23 years; three are determinate sentences between nine and 21 years. The high number of women serving indeterminate life sentences of 15 years or more is due to the sampling criteria in the first study.)

were not asked explicitly to do so. However, they were given the space to if they wished, and some did.

The second study explored the application of 'joint enterprise' in practice and young people's knowledge and experience of this area of law.⁷ Semi-structured interviews were completed in 2018 with four different samples, including prisoners who had been convicted of a serious violent offence at a trial involving complicity liability (see Young, Hulley and Pritchard (2020) and Hulley and Young (2021) for more details). This article draws on interviews with the female prisoners, of whom there were five in total. Three were convicted alongside their partners (and, in one case, a friend of their partner). The interviews asked about the women's life histories, their experiences of violence, the offence of which they were convicted, and their experience of the investigation and trial.

The interviews in both studies ranged in duration – from one to three hours – and were all audio-recorded and professionally transcribed verbatim. The data were analysed using a computer software package (NVivo). The interviews were analysed using a reflexive, iterative approach in which the data were revisited and connected to 'emerging insights' and to refine understanding of the issues (Srivastava and Hopwood 2009, p.77).

The demographic data of all the women included in this study, across both research studies, are reported in Table 1. It is important to note that

of the twelve women included in this article, only one self-identified as the principal party, five identified themselves as a secondary party, four did not know and one did not believe she was convicted using secondary liability (one did not comment). It is notable that at least a third of the women were unsure of their status, although it is clear from descriptions of their cases that the majority would have been considered secondary parties rather than a principal offender. The findings of the research are outlined in detail below.

Domestic Abuse in the Life Histories of Women and their 'Co-offending' Relationships

As found in much of the research on women convicted of violent offences, all of the women's narratives were saturated with multiple experiences of violence, control and abuse at the hands of significant men in their lives.⁸ All had experienced violence, sexual violence or coercive control as young children within their family home or as teenagers in their early intimate relationships, and very often both. Many described their histories of violent and sexual victimisation as central to their pre-prison vulnerabilities, including mental health problems and drug and alcohol addiction. Therefore, a key feature of these women's lives was the multiple layers of abuse they had suffered prior to being convicted.⁹ Such experiences, they explained, had often been missed or ignored by State agencies, such as social services, or attempts to remove them from abusive households as children had led to further experiences of abuse in children's homes or foster families.

Against this backdrop of abuse, the majority of the women convicted with their male intimate partner (although not all) testified to being subjected to serious violence, coercive control or both, by him:¹⁰

[Prior to the offence] I got with one of my co-defendants and I couldn't even stand him, I hated him to be honest, he was violent, and I was scared of him. (Carly, convicted of murder)

Many of the women reported that acts of physical violence were recurring and sometimes extreme. For example, Eloise (convicted of murder) described her partner, and co-defendant, as 'a very, very violent person'. A significant number of women reported that they believed that they would have lost their lives at the hands of their violent partner had they not come to prison: 'if I was still out there I think me and him would still be together, and he would still be beating me. He'd have probably ended up killing me' (Tamara, convicted of murder).¹¹

For most, these multiple and frequent acts of violence were very often accompanied by their partner engaging in psychological torment, threats, economic oppression, sexual violence and social isolation – acts that reflect Barlow's (2016, p.69) 'continuum of coercion':

He was abusive in every context of it, so mentally, physically, sexually, the whole lot. The mental cycle, it was a lot worse than anything else because it still leaves you even now with a lot of issues. But it could start with the smallest of things and just

escalate so quickly and then you'd be fine again and somehow it would still be your fault. (Rosie, convicted of manslaughter)

Did you have anyone else who you confided in at that time [about the abuse]?

No, because I wasn't allowed to see my friends or talk to them. (Meg, convicted of manslaughter)

The abuse that the women suffered was rooted in, and exacerbated by, their existing vulnerabilities, including their young age, their drug and alcohol issues, their early experience of abuse and neglect, and additional harrowing experiences of trauma, such as the death of a child. For example, Tamara (convicted of murder), who met her partner (and co-defendant) at the age of 14 years, had been sexually assaulted and raped on multiple occasions between the ages of two and six years in consecutive foster homes and had gone on to experience the death of two children. Against this life history, she had 'felt secure' for the first time with her partner.¹² However Tamara's vulnerabilities and her partner's coercively controlling behaviour led to feelings of co-dependence and undermined her ability to 'act autonomously' (Hunter 2006, p.741): 'I never used to be able to make decisions, I'd always have them made for me [by my] baby father' (Tamara, convicted of murder). Sara (convicted of GBH), who described herself as having been 'groomed' from the age of 14 years by her partner (and co-defendant), reported similar feelings:

I feel like I was co-dependent on him because for me he was someone I needed and I couldn't live without him ... I knew I didn't want to live with him, I didn't want him to be in my life. But it was very difficult for me to end it with him because I was still co-dependent with him and his money and he made all the rules.

Were you scared of him?

I'm still scared of him now. Yes. I'm very scared of him and I was then. This is why I'm in prison. (Sara, convicted of GBH)

The feelings of co-dependence and the *continued* fear that Sara reports is very common among women who have an abusive partner, despite Sara having spent nine years away from her partner while in prison. As Hunter (2006) explains: 'One severe beating could terrorise a woman for life, without the need for the perpetrator ever to lift a finger again' (p.757) (see also Welle and Falkin 2000). Fear was rooted in the women's knowledge of their partner's competency as a dangerous avenger:

Whenever we used to have a big argument, or I used to get really mad he always used to say about if I ever left and took our child he would literally kill me.

So when he made threats, did you believe that?

Yes.

Why?

Because when somebody is literally beating the crap out of you and saying it you believe that they have the capability of doing it. If this person could sit there and literally knock the crap out of you when you are just lying on the floor and taking it, what on earth makes me think that he wouldn't go further? (Rosie, convicted of manslaughter)

Many believed that their partner could, or would, kill them, not least because they had threatened to do just that on numerous occasions:

At any point, did you think it was a possibility that you might die in this relationship?

Yes. One million percent. Every time. Because he lived at the back of the [river] and he always used to say to me, 'I could kill you and bury you and nobody would even know where you are'. (Meg, convicted of manslaughter)

Such threats were also sharply understood in the context that calling the police was too risky or futile. When asked why she had not reported her partner's abusive behaviour to the police Rosie explained:

A couple of reasons, one, because most of the time [my partner] was there and I'm not really going to call the police on him if he's there and, two, it was pure fear. I had nowhere to go. Anywhere I would have gone he would have found me and I know the situation would have just got so much worse if I'd just left. (Rosie, convicted of manslaughter)

There was also a common belief among the women that any calls for help or protection would not be heard by State agencies, based on their previous experiences of the social welfare and criminal justice systems (see Barlow 2019). In such circumstances, women developed coping strategies to deal with the violence that they endured including minimisation (Hunter 2006).

As the following section demonstrates, women's sensitivities to the acute danger they faced and the strategies they used to normalise the abusive behaviour had clear implications in terms of both their presence at the scene of the violent offence for which they were convicted and their ability (or not) to withdraw.

The Relevance of Coercive Control or Abuse to the Serious Violent Offence

A number of the women were present at the scene of the serious violent incident perpetrated by their partner (and sometimes peers) for which they were convicted. While presence alone is not enough to satisfy the legal requirements for complicity liability, it may be interpreted as assistance or encouragement in particular circumstances, for example when numbers embolden the perpetrator (Crown Prosecution Service 2019). However, rather than offering support to their partner, the women here felt compelled to be in situ and unable to leave once (often spontaneous) violence erupted, due to the controlling and abusive behaviour of their partners. For example, Tamara, who was at the violent incident in which her partner and his friend killed the victim explained that she had 'no contact' with the victim, like the majority of the women in Clarke and Chadwick's (2020) study. Despite reflecting that 'I should have either tried getting out of there and calling the police, or tried stopping what happened' (Tamara, convicted of murder), and feeling intense remorse and guilt for not doing so, Tamara explained:

I was scared; I was worried what they were going to do to me, but any normal person would have probably tried to stop them. And I didn't try nothing, I just sat

there and cried my eyes out like, 'Please stop!'. ... I think I just froze, and I don't know what actually – I didn't actually see what happened, all I can remember is they were saying he was dead and I was like, 'Ooh, what?'

In this excerpt Tamara indicates the reasons why women who are in abusive relationships with co-defendants may feel *unable* to stop the violence or withdraw from the scene. This also exemplifies the role of fear in abusive relationships and the way in which experiences of abuse wrap around women constraining their choices (Barlow 2016).

Sara, who admitted assisting her partner by organising a meeting between him and the victim, described the extreme acts of abuse, and associated feelings of fear for herself and her family, that led her to do so:

I didn't know [my partner] was going to stab [the victim] but ... I never had a choice basically. [My partner] told me, 'If you don't [set up a meeting], I'm going to take our son back to his country and I'll kill you and your family', and I was really scared and I still believe it to this day that if I didn't do it I wouldn't be here today. So it was kind of an eye for an eye. It's my life and my son's or this man's life. I know that sounds crazy but there was not one bit of me that wanted to have [the victim] hurt but I felt like I had no choice. ... two days before [the incident] [my partner] said, 'Have you done it yet?' The atmosphere in the house, everything was just horrible and I felt like I had no way out. He wouldn't let me go to work, I lost my job, my son wasn't going to nursery. He locked me in our bedroom and he cut himself in front of me and he said, 'If you don't set him up I'm going to do this to you'. I was traumatised. He even raped me like on the lead-up before I come to prison. I felt like I wanted to die. Yes, so I ended up [organising a meeting between my partner and the victim]. (Sara, convicted of GBH)

In her narrative Sara explains that she felt that she had 'no choice', emphasising the contextual limits to her sense of agency. The severity of the abuse Sara suffered also calls into question the relevance of traditionally white, male notions of rationality (Lloyd 1979) and highlights the role of fear in women's experiences of co-offending (see Barlow 2019). It also challenges legal understandings of 'duress' for women who require a defence, in circumstances in which they admit assisting or encouraging their partner, like Sara. While common responses to Sara's plight might be to suggest she ought to have contacted the police to report her partner's threats prior to the offence taking place, the participants in the studies reported systemic barriers to this feeling possible. For example, Meg commented:

... there was no way I would have rang the police on the outside, because I didn't get on with the police myself. (Meg, convicted of manslaughter)

Poor relationships with the police often corresponded with a fear of 'punitive state responses' (Barlow 2019) and broader attitudes towards the 'system' as illegitimate. Such feelings tended to be the result of social services or the police being unresponsive when women had reported abusive behaviour in the past, or failing to protect and support women when they made attempts to leave their abusive partners (Centre for Women's Justice 2021), all of which discouraged them from doing so again:

I think that makes you more bitter with the system, because you think you've gone to them for help and nothing has happened. (Jackie, convicted of murder)

It is relevant to the ways in which women are implicated in violent offences committed by their abusive partners to note that a number of the women reported that they were not present at the scene of the violent incident perpetrated by their partner, although some were nearby, for example in another room or in the next street. These women exclusively reported that they were neither aware that serious violence was planned nor knew about it in the aftermath:

It was just an absolutely ordinary day, there was nothing with him or anything that would make you think something is not right. (Rosie, convicted of manslaughter)

Similarly, Fiona, who had been at a different address at the time of the homicide she was convicted of explained:

I didn't know what had happened so it was like when [the police] knocked at my door it was like 'what's gone on now?' kind of thing. (Fiona, convicted of murder)

However, these women reported that it was *being in a relationship* with the principal offender that implicated them in the offence, as the police made inferences about what they knew prior to or after the violence took place (see also Clarke and Chadwick 2020). This reflects broader research that shows that women are more likely to be identified as offenders in the criminal justice system than as victims (Barlow 2019).

Women's Abusive Relationships in the Context of the Police Investigation and Trial

The women's experience of the police investigation and trial was often impacted by the abusive nature of the relationship with their co-defendant. Despite knowing the violent competencies of their partners, many reported being in shock in the initial aftermath due to having witnessed their partner commit a serious act of violence against another or as a result of hearing the details of the incident from the police:

[I was] confused to why he did it and the more I thought about it, it made less and less sense. I think I felt guilty in a sense that I wound him up so much more than she ever did, so why her and not me? (Rosie, convicted of manslaughter)

Alongside this, women were bewildered as to how they had become implicated in the police investigation as suspects, particularly if they had not been present at the violent incident itself:

It was that real confusion of why are you thinking that I would have done this, what on earth is going through ... It's almost like you are thinking 'you are really stupid'. You are kind of thinking how on earth can you sit there and actually logically think that I've done this. (Rosie, convicted of manslaughter)

Many were deeply confused due to their ignorance of the law of complicity liability and their inherent assumptions about 'fairness' and 'justice'. It seemed incomprehensible that a person could be charged with murder,

or another serious violent offence, if they had not been violent themselves (or been present at the violent incident). Yet their culpability was simply derived from their association with a violent man (Clarke and Chadwick 2020):

Even though I didn't know anything about what was going to happen, they're trying to say I did. Because it was my boyfriend at the time. So we got done for joint enterprise. (Meg, convicted of manslaughter)

As his partner, they logically turned round and said that I must have known at some point, being his partner and living with him. (Rosie, convicted of manslaughter)

Such experiences generated fear among the women as they became increasingly uncertain of the outcome and their futures (similar experiences have been reported for female asylum seekers involved in the immigration system, Canning 2020).¹³

During initial investigations, in which women were either brought in by police as potential witnesses or arrested as suspects, the abuse their partner perpetrated impacted their willingness to engage. Women felt torn between wanting to talk to the police and feeling that they needed to remain loyal to the person they loved:

I was still in love with this boy. I didn't want to grass him up to the police or anything, but then I didn't want to lie to them as well, just in case I got found out, which would have got me into trouble. (Meg, convicted of manslaughter)

The love and loyalty that women felt towards abusive partners were inextricable from the concerns they held regarding the needs of their children. On the whole, they felt strongly that their children needed their father to be present in their life, rather than in prison. These concerns represented the stereotypical expectations of a 'good' mother, who should make sacrifices (including risking their own safety and 'autonomy') to satisfy the needs of their children (Weare 2017, p.204).

As the continuum of coercion (Barlow 2016) recognises, though, women's feelings of love, loyalty and care for their partner were often entangled with fear – fear of *him* and fear of how they would live without him due to feelings of co-dependence. Both propelled women towards lying to the police, as Sara illustrates:

I was scared. I remember having a big loyalty thing towards him and it was more so because I was scared of him but I knew if I wanted him back now I could have him back. That, for me, I couldn't live any other way. I saw him and nothing else. (Sara, convicted of GBH)

A small number of women reported that the police demonstrated some recognition of the abusive nature of the relationship between the women and their co-defendant, as they reassured them that they could protect the woman:

When we were arrested, when we had our interview ... [the police said] if he was threatening me, they would look after me and all that kind of stuff. So if I would

have known something, at every opportunity, could have said, completely knowing that he was going to go to prison for what he did. (Rosie, convicted of manslaughter)

However, Rosie (who was initially arrested for perverting the course of justice) reported that, once she began to talk, concern was replaced with suspicion. In this way she felt tricked:

[The police] kind of smile at you and they comfort you and they say it's all going to be okay. ... They ask you such personal things and you open up about things that maybe you've never even told anyone and things like that just so that they can sit there and go, 'Do you know what, actually I think that she did this', or, 'she did that'. That is really, really heart-breaking. (Rosie, convicted of manslaughter)

These reflect broader fears reported by victims of domestic abuse and coercive control, who 'fear the system' and fear the impact that their engagement with the system might have on their access to their children, for example (Walklate and Fitz-Gibbon 2019). In the current study, women reported that they felt judged from the outset and that gendered narratives were present during the investigation and trial:

[The police] judged me straightaway, and they didn't even know me. They blatantly told me that apparently I murdered someone – no I didn't! Was you there? Did you see me murder someone? (Tamara, convicted of murder)

They made out that I was this mastermind criminal, really nasty horrible person, that our relationship was perfectly healthy and normal and that I was just this evil, vile and heartless person that just played sweet and innocent very well. (Rosie, convicted of manslaughter)

Women believed that they were seen as responsible for 'encouraging' their partner simply by their presence, or for planning the offence with him. Such narratives reflected gender stereotypes of women as both 'broken' and 'weak' and 'rational' and 'calculated' (Barlow 2015, p.480). In the context of such gendered narratives, women often chose *not* to disclose their experiences of abusive and coercive control (Clarke and Chadwick 2020), sometimes not even to their defence team. This was for the same reasons that they lied to police – because they loved their partner or feared they would suffer retaliatory violence.

The women who did disclose the abusive nature of their relationship with their co-defendant during the investigation or trial, reported that their previous non-reporting of abuse was interpreted as a lack of 'evidence', which undermined their credibility (Centre for Women's Justice 2021):

We could only say so much [about] things like the violence and stuff, because there was no proof because obviously I never rang the police or anything, there was no proof of it. So I know that my QC and things did stand up and explain the fact that in those relationships if somebody is just beating you, they are not going to let you ring the police, it's not that simple. (Rosie, convicted of manslaughter)

The lack of corroborative evidence (see Hunter 2006), meant that narratives of coercive control could be turned on their head. When asked how

she felt being portrayed to be the ‘criminal mastermind’ of the case, Rosie responded:

I think it’s absolutely disgraceful. ... you don’t know me, and to sit there and say that our relationship was normal, [that] I was more of the controlling one was really, really hard to hear. It took me a really, really long time to even accept the things that he had done and to even admit the fact that I was in a domestic violent relationship for so long, I didn’t see it. Even when I came [to prison] I used to make excuses why he did the things that he did. It took a long time and a lot of help to actually come to terms with that and then to stand there [in court] and have somebody turn round and say that actually it was okay was really, really difficult. (Rosie, convicted of manslaughter)

Rosie’s experience resonates with broader research findings, which show that men make counter-allegations about the women’s abusive behaviour (Burman and Brooks-Hay 2018, p.76) and that criminal justice and social institutions ‘engage in denial, minimisation excuses, and victim blaming, rather than holding men accountable for their behaviour’ (Hunter 2006, p.743). Despite the introduction of the laws on coercive control, research shows that there has been inconsistent implementation across police forces, due to a lack of recognition of behaviour as coercive and a broader lack of understanding among practitioners (Walklate and Fitz-Gibbon 2019). The combination of the ignorance about coercive control and domestic abuse and misogynistic attitudes within the criminal justice system (Centre for Women’s Justice 2021) means that women are likely to be disadvantaged in reporting their experiences of abuse during a trial in which they are a secondary party, as they are inadvertently reporting knowledge of their partner’s violence, for example (see Clarke and Chadwick 2020).

The abusive nature of the relationship could also continue to bear down on the women during the investigation and trial as partners attempted to retain their tight grip by ‘dragging’ their female partner down with them.¹⁴ In Meg’s case, her partner explicitly implicated her in the case despite evidence to the contrary, which she saw as another example of his coercive control:

[He lied to implicate me] because he’s so controlling. Everywhere he goes, I have to go with him. And when he got arrested for smashing [some] windows, he said to me, ‘if I ever go to prison, I want you to come to prison, so I know where you are and what you’re doing’. (Meg, convicted of manslaughter)

Research has shown, more broadly, that often male co-offenders pressurise their female partners to take the blame for offences that they compelled them to commit (Barlow 2019), given the low threshold for secondary liability they only have to suggest their partner ‘assisted or encouraged’ them to implicate them.

In Meg’s case, her partner’s abusive behaviour continued in court:

He would try and turn around and speak to me, but the officers put me right in front of him, so he couldn’t turn around and look at me. And if he had tried to stand up, the officers would have stood up so he couldn’t get to me or see me. But the worse thing he would do was write a load of lies on a piece of paper, because I

was behind him, and he would hold it up like that, so I could see it. So he could get a reaction out of me. (Meg, convicted of manslaughter)

In such cases women continued to be abused *during* their court hearing, due to the legal requirements of the trial process, and the lack of recognition of the coercive nature of the relationship with their co-defendant.

Discussion and Conclusion

The stories of the women reported in this article highlight the pervasive nature of domestic abuse and coercive control in their life histories and their relationships with their male co-defendants. This occurs in two ways: first, by restraining women's choices related to being present at the scene and withdrawing, or assisting or encouraging their partner in committing the offence; second, by constraining the women's engagement with the police investigation which, in turn, support officers' (often gendered) inferences about women's roles in assisting and encouraging their partners.

For the women who were at the violent incident, the abuse and coercive control perpetrated by their partner ensured that they remained in situations that were (sometimes unexpectedly) violent or (in a small number of cases) that they assisted their partner in the commission of the offence, for example by bringing the victim to the scene. Women's inactivity in the former and activity in the latter was driven by a complicated web of emotions, including love, fear and co-dependence that they felt towards their partner, which were all framed within a 'continuum of coercion' narrative (Barlow 2016, p.69; see also Barlow 2019). Women's engagement in the police investigation was further constrained by the abuse and coercion they suffered, layered on top of a general distrust of the system due to being repeatedly failed by institutions of the State during their short lives. Yet despite these State failures, which were often routed in *inaction*, the system was ready to leap into action at the point at which their abusive partner was violent to another. In doing so, it condemned women to prison for years and sometimes decades – for the women convicted of murder this was for a minimum of between 15 and 23 years – despite them not having been violent themselves. In this way the system further replicates the harms of domestic abuse and coercive control by exposing women to regimes 'of threat and compliance, the potential for repercussions, and the uncertainty of safety' (Canning 2020, p.272). While the literature on co-offending has successfully highlighted the role of abuse and coercive control in women's offending behaviour, this article offers a very rare insight into its role in women being held responsible and criminalised for very serious violence perpetrated by their abusive partner, in circumstances in which their behaviour is neither violent nor often, they argue, actively of assistance.

Given the 'socio-political' nature of coercive control (Stark 2009, p.1516) and the systemic facilitators of such convictions, transforming such grossly unfair outcomes for women requires structural change (Barlow and Weare 2019) and individual adjustments. Here I make three recommendations: to educate the public and criminal justice practitioners to improve understanding of patterns of violence and coercive control; to develop a

policy framework to support more informed legal practice in cases involving women as secondary parties; and to make available defences for women who are compelled to assist in violent offences by their intimate partner. I will describe each in turn.

A programme of public education would be important to form the basis of more targeted training of professionals within the criminal justice system (see Centre for Women's Justice (2021) for similar recommendations; see also Burman and Brooks-Hay (2018)). With its roots in gender inequality that are deeply embedded in our society, the work on coercive control demonstrates the centrality of 'unequal power relations' (Welle and Falkin 2000, p.58) that cascade through the system. Coercive behaviour 'coalesce with normalized expectations of male and female behaviour' (Burman and Brooks-Hay 2018, p.75), which require challenge so that legal cases are judged based on 'an accurate and meaningful understanding of what is really happening in these relationships' (Hanna 2009, p.1458). The public (the jury), police, lawyers and the judiciary may not understand the complex nuances of a relationship in which a partner enacts coercive control (Hanna 2009).

At its core, education would highlight gender stereotypes (that pitch women as the 'masterminds' or 'manipulators' of men) and assumptions about intimate relationships (about how much people 'know' about one another's actions) and the role of each in the process of criminalisation. Gender stereotypes serve as a narrative blindfold, rendering women's status as victims unseen. Rather, the accounts of women in the studies reported here demonstrate the relevance of the Victims' Code to their trial experiences, as it entitles women who are victims of abusive relationships to 'special measures' in court (Ministry of Justice 2015). This might mean women sitting separately from their co-defendant and giving evidence behind a screen, for example.

Training itself, however, would not be enough (Walklate and Fitz-Gibbon 2019). In addition to enhancing the recognition of women as *victims* of their co-defendant's violence, detailed policy guidelines on the application of complicity liability to such cases would be necessary to counter residual gender stereotyping. In a system that allows secondary parties to be culpable for the substantive offence of another, based on inferences about their intentions and knowledge of an incident, it is important that the interpretation of 'intention to encourage and assist' and 'knowledge of the essential facts' in legal practice (by police and lawyers) is scrutinised to ensure that gendered stereotypes are not the basis for charge. As this article and other research attests to, women routinely report that their involvement in incidents with male partners is rooted in experiences of violence, coercion and fear, rather than their intention to encourage and assist him in the commission of the substantive offence. To ensure a full understanding of the dynamics between co-defendants who are intimate partners, it is crucial that police and prosecution lawyers are required to investigate the whole relationship, to take into account the *breadth* of experiences that represent the continuum of coercion (Barlow 2016, p.69). Connecting the dots between behaviours 'begins to paint a picture of coercive

behaviour that recognizes the ongoing loss of autonomy the victim suffers. From an evidentiary perspective, a complete narrative of the relationship is relevant. This also allows the victim to tell her story – the whole story – and have it matter’ (Hanna 2009, p.1462). As a result, it is hoped, fewer women would be *charged* with serious violence in the first place. Policy guidelines would also encourage key players further on in the criminal justice process, including the judge and jury, to consider the broader context of the relationship, rather than concentrating narrowly on the violent event itself and should challenge concerns that disclosing experiences of abuse and coercive control would be *counterproductive* for women.

Finally, my third recommendation is that defences are developed for women who are found to have intended to assist or encourage the principal offender, but who felt *compelled* to do so due to multiple and accumulated experiences of violence and abuse. This would build on the growing pressure to recognise the lower culpability of women who are victims of domestic abuse (see Prison Reform Trust 2020). Defences that negate or reduce women’s culpability in co-offending cases would recognise the vastly different responsibility that falls on a person who commits the act of serious violence itself and the person who commits no violence but feels they must ‘assist’ the perpetrator for fear of their own violent victimisation. Proportionate punishment is a ‘requirement of justice’, as the ‘*severity of punishment should be commensurate with the seriousness of the wrong*’ (Von Hirsch 1976, p.66, italics in original). Even if it is accepted that a person ought to take ‘reasonable steps’ to inform the police or stop an offence, it would seem fair and reasonable to convict them of a lesser offence than the person who perpetrated the serious violence, on basis of fair labelling (Ashworth 2006, p.417). As Midson (2016) states in relation to women who kill their abusive partners and which seems even more relevant to women who have almost always committed no violent act:

there is no ‘malice aforethought’ in the true sense of that phrase, despite the appearance of willed action. The act is not malicious or angry – it is a normative response to coercive conditions. On that basis, it is not just or fair to label these victims as ‘murderers’ or ‘killers’, even though the criminal justice system might rightly hold them responsible to some degree. The criminal justice system would not classify as morally blameworthy, someone who killed a hostage-taker in order to regain their freedom. Yet women under coercive control are essentially hostages: they have no autonomy over their own lives. The continual failure of the criminal justice system to acknowledge this truth reinforces the notion that women’s lives matter less than men’s. (p.441)

A modernised version of the now abolished ‘marital coercion’ defence, for example (see also Jones 2008), or the adoption of a new defence which recognises compulsion, would allow women’s assistance in an offence perpetrated by a coercive partner to be negated.

As with any changes to the law and legal practice that impact on women, the risks of these recommendations must be acknowledged: ‘There is a complicated and often elusive relationship between state intervention and women’s lives. Indeed, the more the law attempts to intervene to help

women, the more it is likely that it will create new challenges and dilemmas for women. What may seem to be the right idea theoretically does not always translate straightforwardly into practice. That is not to say that we should not try. Rather, we should be cautiously optimistic in our attempts' (Hanna 2009, p.1460). Risks in this context might include the increased expectation that women engage in the process (Hanna 2009; see also Stark 2009), exposing abusive experiences that they may find traumatic to discuss. This may be particularly unsafe initially as the public narrative falls behind the type of academic evidence that pushes law forward and mean that women continue to be exposed to very difficult cross-examinations, as they are in trials of rape (Hanna 2009). There is also the risk of the exacerbation of 'legal systems abuse', as perpetrators of abuse achieve further control *through* the legal system itself (Walklate and Fitz-Gibbon 2019, p.102).

However, with attempts to minimise such risks in mind, change is needed, as the work on coercive control 'aptly illuminates, [that] what is at stake for women in relationships involving interpersonal violence is freedom and autonomy, and the ability to actualize full citizenship' (Hanna 2009, p.1459). What this article suggests is a travesty then is, in cases involving women as secondary parties, the criminal justice system colludes with the perpetrators of coercive control, who implicate their partners in serious violence and, in doing so, further restricts these women's freedom and autonomy, sometimes for decades. I hope that telling the stories of the women in this article contribute to similar stories that are increasingly being told, like that of Sally Challen (see Justice for Women 2017), as 'Telling one's story not only can create empathy and understanding but it also helps to reshape the law away from formal argumentation and toward the true human experience (Murphy, 1993; White, 1990). It connects the personal to the political and, in doing so, provides enormous opportunity to reshape the law not only in individual cases but also systemically' (Hanna 2009, p.1462).¹⁵

Notes

- 1 Jones (2008) questioned the exclusion of domestic abuse in the narratives of these women.
- 2 The backdrop of abusive relationships with their co-defendants may help to explain why women convicted of murder, as secondary parties, come to make sense of their conviction by exaggerating their role in the offence (see Hulley, Crewe and Wright 2019).
- 3 As has been found more broadly among samples of male and female secondary parties (Hulley, Crewe and Wright 2019), the women in Clarke and Chadwick's research were keen to 'take responsibility' for a lesser offence, but believed that their conviction for serious violence was illegitimate (Clarke and Chadwick 2020, p.13).
- 4 While the House of Lords in 1975 (in *D.P.P for Northern Ireland v. Lynch* [1975] AC 653) allowed duress to be an available defence for a person charged as an accessory to murder, they later retracted this, arguing in 1987 that this was 'excessive' and that the precise scope of duress should be outlined in legislation (Smith 1989, p.2).
- 5 In surveys, only 50% of these women identified themselves being convicted using 'joint enterprise', highlighting the lack of understanding of this area of law. The difference was discovered when further investigation of the case was conducted online.
- 6 Note, some of the women were co-defendants in the same trial.

- 7 While the article to here has utilised a language of ‘complicity liability’, the term ‘joint enterprise’ was used for the purpose of the research studies. This is because it was more broadly understood and it has tended to include ‘parasitic accessorial liability’, which was relevant to the cases of the women who were convicted prior to 2016 (all of those in the first study and two in the second).
- 8 This was also the case for the women convicted alone and alongside co-defendants who were not their intimate partners.
- 9 All were convicted when aged 25 years or younger.
- 10 Since the focus of the interviews in the first study, in particular, was not the relationships between the co-defendants, it is not possible to say with any certainty how many of those who *did not* disclose abuse in their intimate relationship with their co-defendant did not experience any. Also, all those who reported suffering domestic abusive and coercive control in their intimate relationship were with men.
- 11 Women also often reported their own attempts on their lives prior to imprisonment, which were often related to the abuse they were suffering (see Aitken and Munro 2018) alongside other traumatic events, such as the death of a child.
- 12 Rosie expressed similar sentiments, having met her partner when he was in his early 20s and she was 15 years old. She described liking him: ‘[b]ecause he was older, which makes you feel a little bit special because he could have anybody and I think it was the first time in my life that I felt wanted by somebody. ... it sounds really stupid now’.
- 13 My thanks to the anonymous reviewer for drawing attention to the parallels between these contexts.
- 14 Some women reported that their partner admitted *sole* responsibility for the crime but the prosecution contested the confession and continued to prosecute the female partner.
- 15 *Acknowledgements*: I would like to thank the women who shared their stories in each of the studies reported on here. I also thank the two anonymous reviewers for their valuable comments on this article. Further thanks to my colleagues, with whom I undertook the two studies and who offered helpful comments on an early draft of the article: Professor Ben Crewe, Dr Serena Wright and Dr Tara Young. This work was supported by the Economic and Social Research Council (ES/J007935/1 and ESRC; ES/P001378/1) and the Isaac Newton Trust.

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